A

Compleat Guide FOR Justices of Peace

According to the best approved AUTHORS.

In Two PARTS.

The first containing the *Common* and *Statute* LAWS relating to the Office of a Justice of the Peace.

The second consisting of the most *Authentick* and *Useful* PRESIDENTS which do properly concern the same.

By *J. Bond* of *Grays-Inn* Esq;

The **Second Edition** much Enlarged, and continued down to this Time.

To which is added

A TABLE referring to all the Statutes relating to a Justice of the Peace. By *E. Bohun* Esquire.

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TO THE READER.

SINCE Mr. Dalton's *Time ſeveral Treatiſes have been publiſh'd on this Subject, of which ſome have been as much too ſhort, defective, and immethodical, as others too extravagantly large and confuſed, ſome by too much brevity becoming no leſs obſcure, than others burthenſome by an injudicious unneceſſary heaping up of all Acts of Parliament at length which any way related to the Office and Authority of a Juſtice of the Peace, not in the leaſt conſidering that a full* Alphabetical Table *of all the Acts relating to this Great Office, with the help of the* Statutes at Large (*which no Juſtice of the Peace can be without*) *would be altogether as uſeful;*

To the Reader.

How far the imputation of both theſe Extreams is here avoided will appear by the Amplitude of the Books, *and the compleatneſs of the* Alphabetical Table *collected by the great Pains of a moſt elaborate and well experienc'd* Gentleman *in this Office, ſo that were* Mr. Dalton *himſelf now alive, he could not but approve of this exact imitation of that Excellent Structure he had rais'd upon the ſteady Foundations of thoſe Great Sages of the* LAW, Brook, Stanford, Lambert, Fitzherbert, *the Lord* Cook, *&c.*

And to render this Work *yet more compleat, all ſuch Preſidents as were grounded on Temporary Acts of Parliament, and thereby becoming uſeleſs, are omitted, and ſuch others added as will render this the moſt perfect and uſeful Piece on this Subject.*

A

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Tipling, 1 *Jac.* 9. 7 *Jac.* 10. 1 *Car.* 4. 21 *Jac.* 7. 4 *Jac.* 5.
Treaſons, 25 *E.* 3. 2. 13 *Car.* 2. 1. 3 *H.* 5. *c.* 7. *Keble p.* 209. §. 24. 3 & 4 *W.* & *M.*

Tranſportation, 4 *E.* 6. 14. 2 *M.* 5. 5 *El.* 5. 12 *El.* 5. 8 *El.* 3. 13 *El.* 13. 1 *Jac.* 22. 12 *Car.* 2. 12. §. 23.
Treſpaſs, 43 *El.* 7.
Travail of Recuſants, 35 *El.* 2. 3 *Jac.* 5.
Threatning to run away, 7 *Jac.* 4.
Tithes, 27 *H.* 8. *c.* 20. 32 *H* 8. 7.
Tobacco, 22 & 23 *Car.* 2. 1 *Jac.* 2. 4 & 5 *W.* & *M.*

V.

Victuallers, 23 *E.* 3. 6. 2 & 3 *Car.* 15.
Vi & armis, 37 *H.* 8. 8.
Under-Sheriffs, 27 *El.* 12.
Uſury, 37 *H.* 8. 9. 13 *El.* 8. 21 *Jac.* 37. 12 *Car.* 2. 13.

W.

Wages, 12 *R.* 2 10. 14 *R.* 2. 11. 23 *H.* 6. 11. 39 *El.* 12. 5 *El.* 4. 1 *Jac.* 6.
Wares, 3 *Jac.* 12.
Watches, 5 *H.* 4. 3. 13 *E.* 14. 2 *E.* 3. 6.
Water-courſes annoying High-ways, 5 *El.* 13. §. 5.
Water-Carriages, the Rates thereof, 6 & 7 *W.* 3.
Warrens, 3 *Jac.* 13. 22 *Car.* 2. 25.
Wars, 14 *E.* 3. 19.
Weights, 11 *H.* 7. 4. 12 *H.* 7. 5. 19 *H.* 7. 6. 16 *Car.* 1. *c.* 19.
Weight of Hay, 2 *W.* & *M.*
Wheels of Carts, *London* and *Weſtminſter*, 2 *W.* & *M.*
Wills, 21 *H.* 8. 5.
Wines, 7 *E.* 6. 5. 5 *El.* 5. 1 *R.* 3. 13.
Witchcraft, 1 *Jac.* 12.
Witneſſes how to be brought in, *Chamb.* 202. *Kebl. p.* 373. §. 274.
Woods, 35 *H.* 8. 17. 13 *El.* 25. 43 *El.* 7. 15 *Car.* 2. 2.
Women taken, 3 *H.* 7. 2.
Women Recuſants, 7 *Jac.* 6. 21 *Jac.* 6. 3 *Jac.* 5.
Wool, 7 *Jac.* 6. 12 *Car.* 2. 33. 1 *W.* & *M.*
Work-houſes for ſetting the Poor to work, 22 & 23 *Car.* 2. 18.
Wine in Bottles, 2 *W.* & *M.* 14.

Y.

Yarn, 7 *Jac.* 7.
Yarmouth Peer, 1 *Jac.* 2. *c.* 16.

A Felon examined and committed by two Juſtices may be bailed by one alone, *Keble p.* 188. §. 33.

The Juſtices Fees, Chamberlain *p.* 213.

Warrant, Recognizance, diſcharge of the Peace, 2 *s.*
Warrant, Superſedeas and Recognizance of the Good Behaviour, 2 *s.*
For each Rioter recorded and fined, at his Diſcharge, 1 *s.* *p.* 345. ¶.

The Oath for the Surety of the Peace.

YOU ſhall ſwear, That the Surety of the Peace which you require againſt A. B. *is not of any Malitious Intent, for Vexation, but for very fear, and for the needful preſervation of your Body, and Goods in ſafety.*

So help you God.

Lamb. 33. Chamb. 261.

The Proclamation for ſuppreſſing an Unlawful Aſſembly.

THE King our Sovereign Lord chargeth and commandeth all Perſons being aſſembled immediately to diſperſe themſelves, and peaceably to depart to their Habitations, or to their lawful Buſineſs upon the Pains contain'd in the Act lately made againſt unlawful and rebellious Aſſemblies, and God, S. T. K. 3 Edw. 6. c. 5. 1 M. 1.

The Oath of Informers or Witneſſes.

THE Information that you ſhall give on the Kings Majeſties behalf againſt A. B. *ſhall be the Truth, the whole Truth, and nothing but the Truth.*

So help you God.

2. *You ſhall true anſwer make to all ſuch Queſtions as ſhall be demanded of you*, Keble p. 404.

LAWS

LAWS

Relating to

Justices of Peace.

CHAP. I.

Of Conservators of the Peace at the Common Law.

THE King is the Principal Conservator of Peace, from whom the Administration of all Justice, and the Jurisdiction of all Causes were originally derived. *The King's Majesty.*

The Lord Chancellor or Keeper, Lord High Steward of *England*; Lord Marshal and High Constable of *England*, Lord Treasurer of *England*, and every Justice of the *Kings Bench*, and Master of the *Rolls* are Conservators of the Peace over all the Realm, and may award Precepts, and take Recognizances for the Peace by virtue of their Places, and upon not finding Sureties for the same may commit to Prison. *Great Officers of the Realm.*

The Chamberlain of *Chester* hath the Conservation of the Peace within that County Palatine. But all the Conservators now adays have Commissions by which they act. *County Palatine.*

Judges within their View. There are others that are Conſervators of the Peace by virtue of their Offices, and within the Precincts of their reſpective Courts, *viz.* Juſtices of the Court of *Common Pleas*, Barons of the *Exchequer*, and Juſtices of Aſſize and Gaol-delivery; all which may grant the Surety of the Peace, and if the Offenders be within their View, they may ſend their Officers to bring them before them, and for want of Sureties may commit them. Only Juſtices of Aſſize (as ſuch) according to Mr. *Lamberts* Opinion, can award no Proceſs, or take Sureties of the Peace.

Courts of Record. The Stewards of the Sheriffs Turn of a *Leet* of a Court of *Pipowder*, are likewiſe Conſervators of the Peace, within their ſeveral Courts, and may commit for an Affray done in their Courts, while they are executing their Offices, but can grant no Proceſs of the Peace. They may alſo impoſe a Fine for Contempt. The like Law is in all other ſuch Courts of Record.

Sheriffs. The Sheriff is principal Conſervator of the Peace, and upon requeſt may require the Surety of the Peace and may take the ſame *ex officio*; and this ſeems to be by the very words of his Commiſſion.

Coroner. Coroners are Conſervators of the Peace and take Surety of the Peace by Obligation.

High-Conſtables. The High Conſtables are Conſervators of the Peace, and at their Petty Seſſions may commit for an Affray.

Conſtables. Petty Conſtables are Conſervators of the Peace *ex officio*, and muſt uſe their endeavours to keep the Peace, and may cauſe ſuch to find Sureties to keep the Peace, as well before as after the Affray; So Borſholders, Thirdboroughs, Tythingmen, and Headboroughs, or Chief Pledges have the like Authority at leaſt in their abſence, for otherwiſe they are but Aſſiſtants to them in the Pariſh at large, *viz.* ſuch Pariſhes as have Conſtables, for otherwiſe they differ but in Name. All theſe may make Deputies becauſe but in miniſterial Offices.

Tythingmen.

All Conſervators of the Peace may command the aſſiſtance of others to arreſt all ſuch who in their preſence ſhall break the Peace, and for their neglect herein may be puniſhed by Indictment. 3 *Inſt. fol.* 158.

CHAP.

CHAP. II.

The first Ordaining of Justices of the Peace.

Justices of the Peace were ordained by the Statute of *Edw.* 3. *cap.* 16. *Anno Dom.* 1327. and afterwards in the same Kings Reign by a Statute made in his 36th year they *cap.* 12. received their Names of Justices of the Peace, and since *Custodes Pacis* and *Justiciarii Pacis* have been adjudged to be the same Office; they and every one of them are Justices of Record; his Warrant likewise is matter of Record, not to be disputed by the Constables any farther than whether the Justices have Conusance of the Cause or not; by the 12 *R.* 2. *cap.* 10. there should be but six Justices of the Peace in every County with the Justices of Assize; by a Statute made two years after they were enlarged to eight; by a subsequent Statute all Justices of the Peace (except Lords and Judges) are commanded to be resident in their respective Counties.

Justices of Peace their beginning. *Dalt.* 6.

Are of Record.

CHAP. III.

Matters concerning the Peace in general.

Peace is legally taken for an abstinence from actual and injurious force, and offer of Violence: For the maintaining of this Peace, these Justices were first ordained.

Peace what it is.

The breaking of it is the using violence against the Persons, Goods, Lands or Possessions of another by Words, Gestures or Force of Body in any thing done *in terrorem* of the People.

How it is broken.

This Peace is to be preserved by these Justices and that three ways. (1.) Preventive by taking Surety for the keeping of it, or Good Behaviour. (2.) Pacifying such as are actually breaking it. (3.) Punishing those that have broke it.

How it may be preserved,

The power of constituting these Justices of Peace is now only in the King, which formerly in part was delegated to others; but is since reassumed by the Statute 27 *H.* 8. *cap.* 14.

Justices by whom to be constituted.

Three sorts of them. There are three sorts of Justices of the Peace, and created by as many ways. 1. By Act of Parliament, as the Bishops of *Ely* and their Stewards, the Archbishop and Bishop of *York* and *Durham* and their Chancellors, 27 *H.* 8. *cap.* 24.

2. By the Kings Letters Patents under the great Seal (and by his Bill assigned) as Majors, *&c.* Chief Officers of Towns Corporate, and such the King cannot discharge at his pleasure; but for cause the Liberties may be seised, and likewise a concurrent jurisdiction may be granted to others in the same place.

Commission ad audiendum & terminandum. If the Justices by Letters Patent have any Commission *ad audiendum & terminandum*, this Grant as it seems is void unless some one person learned in the Laws be joyned with them both. These particular sorts of Justices may execute all the power given by Statute to any Justice of the Peace, but have not as large authority as is usually given.

Alen 49. contra. 3. Justices of the Peace by Commission. These are made of course under the Great Seal of *England*, and appointed by the discretion of the Lord Chancellor, or Lord Keeper (in *Lancaster* they are made under the Seal of the Dutchy) their Authority is determinable, by the demise of the King at the Kings pleasure, and that either signified by *Supersedeas*, which doth but suspend their Authority and may be revived by *Procedendo*; or (Secondly) By Implication, as by granting Commissions to others, which is the same likewise leaving out the old ones, whose power ceases either by notice, reading the new Commission or holding Sessions by virtue of it; but nothing already done by them shall be deemed void, or Process, *&c.* then depending be discontinued. The Acts of the old Justices are lawful till the Sessions when the new Commissioners are published, *Mo.* 187. (Thirdly) By accession of another Office, as of Sheriff in the same County, during which time it is suspended as it seems; but if made a Coroner it is held by some Opinion that his Power is extinct, but an accession of any honour or dignities takes not away their Power.

Note, All new Offices of Inheritances, and also such Officers as are chosen by the People by virtue of the Kings Writ or any otherwise are not determined by the demise of the King, as Coroner, Constable, *&c.*

CHAP.

CHAP. IV.

What Oaths they must take before they can execute their Authority.

EVery Justice of Peace before he takes upon him to execute his Office shall take three Oaths; the one relating to his Office, the other two are mentioned and appointed to be taken by an Act of Parliament made the first of King *William* and Queen *Mary*, Entituled, *An Act for abrogating the old Oaths*, &c.

Vide the Oath of a Justice of Peace in *Dalton, fo.* 13.

Which is to be taken by force of the Statute of 13 *R.* 2. *cap.* 7. by a *Dedimus* out of *Chancery* directed to two Justices of the Peace, the Clerk of the Peace, or one of them, giving them or either of them, power to administer the said Oaths.

Now concerning the time of holding the Quarter-Sessions, See *Stat.* 2 *H.* 5. 4.

That they ought to be kept in the first Week after the Feast of St. *Michael*, after the *Epiphany*, after the Feast of *Easter*, and after the Translation of St. *Thomas* the Martyr, being the third of *July*, and accordingly the Quarter-Sessions ought still to be holden through the Realm unless in *Middlesex*, where they are kept but twice in the year by *Stat.* 14 *H.* 6. *cap.* 4. and more often if need be, as appears by the Statute. *Dalt.* 13.

For keeping the Quarter-Sessions, See *Stat.* 36 *Ed.* 3. *cap.* 12.

CHAP. V.

What Power they have by their Commission.

SEE the Form of the Commission of the Peace. *Dalt.* 16.

You may see by the Conclusion of the Commission that the *Custos Rotulorum* shall have the keeping of the Records of the Sessions and Indictments, Recognizances, *&c.* but not of special Records, as of Riots, Precepts of the Peace, *&c.* not belonging to the General Sessions. *Dalt.* 19.

Dalt. 20. A Justice of the Peace by virtue of the word *assignavimus* in the Commission is constituted Conservator of the Peace, and hath thereby a separate Power, and may do all Acts apart and by himself, for the preservation of the Peace; but where Statutes are made for the Peace, and no power therein given to a single Justice, he can only admonish, and if not obeyed, prefer it to the Sessions, where by a Presentment upon the Statute, the Party must be prosecuted.

The King by his Commission may grant the Execution of one or more Statutes to whom he please, though the Statute give not such Power, nay of such Statutes as were made before Justices of the Peace were constituted, as the old Statutes of *Wincheſter* and many more.

Dalt. 21. Secondly, Two Justices of the Peace by virtue of the Word *assignavimus* have joynt power, one of them being of the *Quorum*, 1. To enquire (by *Jury*) of all Offences mentioned in the Commission. 2. To take Indictments. 3. To grant out Proceſs. 4. To hear and try the Offence upon Indictment formerly taken before themselves, or other Justices of the Peace, Matters belonging to the second *Assignavimus* belonging to the General Sessions.

Note, Where Statutes give power to Justices it may be executed by them, though not mentioned in their Commission, or if mentioned there, though not in the Statute.

CHAP. VI.

Concerning Justices in General.

Dalt. 21. THE Authority of the Justices of Peace (both by their Commission and by their Statutes) is either.

1. Ministerial or Regular, and they are thereunto commanded by an higher Power, as

Ibid. 1. Upon a *Supplicavit* out of *Chancery* or *King's Bench*, for taking Surety for the Peace, or Good Behaviour, See *Tit.* Peace.

Ibid. 2. Upon a Writ on the Statute at *Northampton* for a forceable Entry.

Dalt. 22. 3. Upon a *Certiorari* out of the Courts at *Weſtminſter* to certifie any Recognizance, Indictment of other Record either taken before them or in their Custody.

In all which Cases, the Justices may act no otherwise than they are authorized by the Writs, which they must likewise return into the Courts whence they issued, *viz.* with their doings thereupon.

2. Judi-

2. Judicial or abſolute wherein they proceed *ex officio*, and as Judges, for there is little or nothing left to their diſcretion. By this authority they are to proceed in moſt matters, obſerving theſe Rules. *Dalt.* 22.

Where the Matter is to be tryed by Witneſſes regular, two Witneſſes are requiſite. Otherwiſe it is where the Tryal is by a Jury, for there one Witneſs ſufficeth, and many times no Witneſſes at all are neceſſary.

Tryal of Offenders by examination of Witneſs is not juſtifiable but only in ſuch Caſes where ſome Statutes direct the ſame.

A Juſtice cannot bind over an Offender againſt the Penal Law without being firſt indicted, 1 *Ed.* 6. *cap.* 1. *Lamb.* 187.

An Infant and Feme Covert ſeem both of them to be bound by every Statute, in which they are not excepted, *Dyer* 104. *p.* 13. 11 *Co.* 60. *Sed quære: Br. Tit. Impriſ. cont.*

If any Statute mention proof ſingle it ſhall be underſtood of the beſt proof, which is by Jury, 6 *Co. f.* 20. *Gregories* Caſe.

All Articles within the Commiſſion of the Peace are Enquirable and Determinable at any ſpecial Seſſions, *Lamb.* 623. So it is where a Statute uſeth the Word *Seſſions* indifferently, *Lamb.* 624.

Note, That the Statutes of 4 *H.* 7. 12. 33 *H.* 8. 10. 37 *H.* 8. 7. Give farther power to Juſtices of the Peace in ſome Caſes, than is expreſſed, either in their Commiſſion or in any particular Statute.

Note alſo, That the Juſtices may enquire of ſuch Treſpaſſes whereupon any Man may have an Action upon his Caſe for the Treſpaſs or Deceit: For in the end of ſuch Action upon the Caſe theſe words are inſerted, *Contra pacem noſtram, Fitz. Juſtice, f.* 12. 6.

Concerning Juſtices in *Wales*, ſee after *Tit. Certiorari.*

CHAP. VII.

Statutes whereby one Juſtice alone hath power given him.

Note, One Juſtice only cannot take any Inquiſition unleſs power be given him by ſome Statute, *Mich.* 7 *Ed.* 4. *fol.* 18.

In the Catalogue enſuing I ſhall obſerve (where the ſubject matter will afford it.) 1. The Offence. 2. The Statute againſt which 'tis committed. 3. What Conviction is requiſite. And laſtly, the Penalty.

One Juſtice alone may puniſh Inkeepers, *&c.* Selling leſs than one quart for a penny, 1 *Jac. c.* 9. 21 *Jac. c.* 7.

By proof of one Witneſs, View or Confeſſion.

Shall be diſabled for keeping an Alehouſe for three years.

And forfeit twenty ſhillings to be levied by Diſtreſs, *&c.* after ſix days, and for want of Diſtreſs to be committed till payment.

If Conſtables ſhall neglect to levy the penalty, or not certifie the want of Diſtreſs within twenty days, ſhall forfeit forty ſhillings, to be levied, *ut ſupra.*

May puniſh Inkeepers, *&c.* ſuffering any of the Pariſhioners to continue tipling in their Houſes, 1 *Jac. c.* 9. 21 *Jac. c.* 7.

By proof of one Witneſs, or View.

Shall be diſabled, *&c.* And forfeit ten ſhillings to be levied by Diſtreſs, *ut ſupra.*

Conſtables, *&c.* not performing their Duty ſhall be puniſhed, *ut ſupra.*

May puniſh any Inkeeper, *&c.* ſuffering any perſon whatever to continue Tipling in his Houſe, 1 *Jac.* 9. 21 *Jac.* 7. 1 *Car.* 4.

By proof of one Witneſs, or View.

Shall forfeit ten ſhillings to be levied by Diſtreſs, and to be ſold in ſix days, reſtoring the Overplus; for want of ſatisfaction, for want of Diſtreſs to be committed till payment, and diſabled, *ut ſupra.*

May puniſh any Convict for being drunk, but the Conviction ought to be within ſix Months after the Offence committed, 4 *Jac.* 5. 21 *Jac.* 7.

By proof of two Witneſſes or on View.

Shall be bound with two Sureties to the Good Behaviour in ten pounds, and pay five ſhillings to the Church-Wardens within one week after Conviction, or elſe to be levied by Diſtreſs and Sale, and for want of Diſtreſs to be ſet in the Stocks three hours, the Conſtable not levying it ſhall forfeit ten ſhillings to the Poor, to be levied, *ut ſupra.*

May puniſh Townſmen, or others, continuing tipling in any Inn, *&c.* 4 *Jac.* 5. 21 *Jac.* 7.

By proof of one Witneſs or View.

Shall forfeit three ſhillings and four pence to be levied by Diſtreſs; after one Weeks neglect of payment, to ſit in the

the Stocks four hours, and the Alehouſe-keeper diſabled, *ut ſupra*. The Conſtables for their neglect ſhall forfeit ten ſhillings.

May puniſh Common Victuallers, for keeping any dreſſed or killed Fleſh in their Houſes in Lent, 1 *Jac.* 29. 3 *Car.* 4.

Upon View ſhall ſeize it, and give it to the Poor.

May puniſh Offenders in caſe of forceable Entry, 5 *R.* 2. *cap.* 7. 15 *R.* 2. *cap.* 2. 8 *H.* 6. *cap.* 9. 31 *Eliz. cap.* 11. *M.* 21 *H.* 6. *fol.* 5.

Upon View only ſhall be impriſoned, fined and remove the force, and upon pledge found upon the Fine to deliver them. But Reſtitution cannot be made without Enquiry. *Dalt.* 44, 45.

May make Reſtitution of Poſſeſſions unto Tenants, for years (by Copy of Court Rolls) Gardians by Knight Service, Statute-Merchant, Staple or Tenants by them ſo holden in caſe of forceable Entries, 21 *Jac.* 15.

By Enquiry only, not elſe in any Caſe. In this Caſe of Reſtitution, he may not upon the Enquiry fine or commit them, nor can Reſtitution be made without Enquiries, *Dalt.* 44, 45.

May enquire of the default of Sheriffs, not returning ſufficient Jurors to enquire of forceable Entries, 8 *H.* 6. 9.

By Indictment ſhall be fined twenty pounds.

May puniſh keepers of Play-houſes, and of unlawful Games, *viz.* Kale, Hand-ball, Foot-ball, Dice, Coits, Bowlings, *&c.* 32 *H.* 8. 9. 12 *R.* 2. 6. 11 *H.* 4. 4. 17 *Ed.* 3. 4.

Shall be impriſoned till they become bound by Recognizance to keep no more,

May puniſh ſuch as ſhall play in Houſes, 33 *H.* 8. 9.

Shall be impriſoned until he become bound by Recognizance to play no more, and upon View pay ſix ſhillings and eight pence, to be recovered in Quarter-Seſſions, 31 *El.* 8.

May puniſh ſuch as ſhall any where play at unlawful Games out of *Chriſtmas*, 33 *H.* 8. 9.

Upon view or knowledge of the ſame, may puniſh ſuch as on the Lords day aſſemble out of their own Pariſh for Sports or Paſtimes: And ſuch as on the Lords day ſhall uſe Bear-baiting, *&c.* or any other unlawful Exerciſe, 1 *Car.* 1. 8.

Upon one Witneſs, View or Confeſſion, ſhall forfeit three ſhillings and four pence to the Poor, to be levied by Diſtreſs, *&c.* reſtoring the Overplus, and for want of Diſtreſs to ſet in the Stocks three hours.

May

May certifie the Names of ſuch into the *Kings-Bench*, as ſhall for twelve Months abſent themſelves from Church, 27 *Eliz.* 7.

Shall in the *Kings Bench* be bound in two hundred pounds to be of the Good Behaviour, and if then he abſent himſelf from Church for twelve Months, he forfeits his Recognizance, *Dalt.* 163. *Lamb.* 114, 115, 127, 180.

May puniſh ſuch as go not to Church on Sundays, and Holy-days, 1 *Eliz.* 2. 3 *Jac.* 4.

Upon proof of one Witneſs, ſhall forefeit twelve ſhillings for every default, to be levied by Diſtreſs, and for want of Diſtreſs to be committed to ſome Priſon until the ſame be paid.

May puniſh thoſe as ſhall wilfully diſturb ſuch as are allowed to preach, or he that doth reſcue any Offender, 1 *Mar. Seſſ.* 2. *c.* 3.

By proof of two Witneſſes or Confeſſion, ſhall be committed to ſafe Cuſtody, and within ſix days if (upon Examination) that Juſtice with one more ſhall find him guilty, then to be committed for three Months.

A Juſtice of Peace having made diſcovery of any *Agnus Dei*, Croſſes, Pictures or Beads, muſt declare the ſame to ſome of the Privy Council, 13 *Eliz.* 2. Shall incur the penalty of a *Præmunire.*

May take the Submiſſion of any Prieſt or Jeſuit, and tender him the Oath of Supremacy within three Days after his being in *England*, 27 *Eliz.* 5. Shall certifie the Oath and Submiſſion within three Months into the *Chancery*, or forfeit 100 *l.*

May require Seditious Sectaries not conforming within three Months after Convicted to reform, and for default thereof require them to abjure the Realm, 35 *Eliz.* 1. 8.

It is Felony for him to refuſe to abjure, but it muſt be done in open Seſſions.

May require Popiſh Recuſants above the Age of ſixteen, travelling five Miles from their own Dwelling without Licence, (not having twenty Marks Freehold, or not worth forty pounds in Goods) to conform, 35 *Eliz.* 2. Two Juſtices of the Peace, or Coroner may require him to abjure, if he conform not in three Months, and certifie the Abjuration at the Aſſizes, and on refuſal then to abjure 'tis Felony without Clergy.

May give the Oath of Supremacy to Prieſts or Jeſuits that ſhall within three days after their Landing ſubmit themſelves, and acknowledge their Obedience to the Kings Laws in Cauſes of Religion, 27 *Eliz.* 2.

Shall

Shall forfeit 100 *l.* if he neglect to certifie the Oath and Submiſſion into the *Chancry*.

May puniſh Swearers, *&c.* if complaint be made within twenty days, 21 *Jac.* 20.

Upon proof of two Witneſſes or Confeſſion ſhall forfeit one ſhilling to be levied by Diſtreſs or ſit in the Stocks three hours; if not twelve years of age ſhall be whipped.

May command Hue and Cry to be made after Felons, and Watches to be ſet between the Feaſts of *Aſcenſion* and *Michaelmas*.

May cauſe High-Ways to be enlarged. May chuſe two Conſtables in every Hundred. And require Conſtables to preſent ſuch as lodge Strangers in upland Towns, for whom they will not anſwer, *Stat. Winchest.*

May upon diſcovery of any Prieſt or Jeſuit inform the Privy Council within twenty days, and take a note thereof under their Hands, 27 *Eliz.* 2. Shall forfeit 200 Marks.

If any above twenty years old ſhall ſtand preſented or indicted for not coming to Church, or if the Miniſter or Petty Conſtable, and Churchwardens, or two of them, ſhall complain of any ſuſpected, 7 *Jac.* 6.

May require him to take the Oath of Allegiance, upon refuſal commit him until the next Seſſions or Aſſizes.

If any ſuſpected to be a Jeſuit or Prieſt ſhall refuſe to give a direct anſwer, 35 *Eliz.* 2. Shall be committed without Bail till he doth.

May take information of ſuch as will give notice where Maſs is to be ſaid, within three days after the Offence, 3 *Jac.* 5.

May puniſh ſuch as ſecretly wear Coats of Mail, carry Daggers and Piſtols, and ſuch as ride armed, *Stat. North.* 2 *Ed.* 3. 5. *Pult. de P. C.* 3. §. 8. 5 *Co. fol.* 7.

Upon view ſhall have their Armour taken from them, or prized by a Jury, and impriſoned at the Kings pleaſure.

May puniſh ſuch as rob Orchards, Woods, ſteal Rails or Corn, *&c.* 43 *Eliz.* 7. Upon proof of one Witneſs ſhall be whipped or make ſatisfaction; The Conſtable neglecting to puniſh ſuch ſhall be committed.

May puniſh ſuch as make bad Tyle, 17 *Ed.* 4. 4.

Upon proof of two Witneſſes, or by Indictment ſhall for every hundred of plain Tyle forfeit five ſhillings, and for Roof Tyles ſix ſhillings and eight pence.

May puniſh ſuch as ſtretch their Cloth on Tenters, 39 *Eliz.* 20. 43 *Eliz.* 20. 4 *Jac.* 2. 21 *Jac.* 18.

Upon

Upon View of a Juſtice of Peace or Head Conſtable may deface them, and after ſell them, and the Mony to be given to the uſe of the Poor.

May puniſh ſuch as keep Markets or Fairs in Churchyards, *Stat. Winch.* 13 *Ed.* 1. Shall be fined.

May puniſh Souldiers purloyning Armour, Horſes or Harneſs, on 3 *Ed.* 6. 2. Upon complaint or proof ſhall be committed until he make ſatisfaction.

May puniſh the Sheriff if he ſhall enter ſeveral Plaints for one Cauſe, or if the Plaintiff give not Security to proſecute his Action, 11 *H.* 7. 15.

Upon Examination of the Clerk of the Shire, and Plaintiff, ſhall forfeit for every Plaint forty ſhillings: And the Juſtice neglecting to certifie it into the *Exchequer* ſhall likewiſe forfeit forty ſhillings, to be proceeded againſt by Proceſs, as in Treſpaſs.

May puniſh Bailiffs of Hundreds for their neglecting to warn the Defendant in the County Court, 11 *H.* 7. 15 Shall upon Examination be convicted. Pay for every Offence forty ſhillings.

May puniſh Baylliffs not ſworn and others that ſhall gather the Amerciaments of Sheriffs, or take more than is eſtreated, not being firſt examined by two Juſtices, 11 *H.* 7. 15. Shall be convicted upon Examination, and forfeit forty ſhillings for every Offence.

May puniſh all ſuch as being five Miles from the Sea ſhall ſhoot in any Gun at large at any thing, except Licence to kill Hawks Meat, 33 *H.* 8. 6. 1 *Jac.* 27. 15. Shall forfeit ten pounds to be eſtreated into the *Exchequer*, and impriſoned till payment.

May puniſh any taken by the Watch, being ſuſpected to be Robbers, 5 *E.* 13, 14. Shall be committed till the Aſſizes, and bound to the Good Behaviour.

May appoint Conſervators and Overſeers of Rivers, and ſurvey them.

May puniſh ſuch as from the midſt of *April* till *Midſummer*, ſhall take Salmon in Mill-Pools, or kill any between the eighth of *September* and the ſeventh of *November*, *Weſt.* 2. 13 *Ed.* 1. 46. 13 *R.* 2. 22, *Lamb.* 190.

By Indictment or upon View, ſhall be impriſoned three Months, and their Nets burnt.

May puniſh ſuch as ſhall at any time deſtroy the Fry of Fiſh with Nets, 13 *R.* 2. 19. Upon Enquiry or View, ſhall by Indictment in Seſſions forfeit their Nets and ten ſhillings, to be levied by Diſtreſs, *&c.* reſtoring the Overplus.

May

May puniſh Servants in Husbandry, &c. going from Town to Town, not having Teſtimonials of their lawful departure, 5 *El.* 4. Shall be impriſoned till he get a Teſtimonial, which he muſt procure in the ſpace of one and twenty days, or puniſhed as a Vagrant.

May puniſh ſuch as being between the Age of ten and eighteen ſhall refuſe to ſerve as an Apprentice at Husbandry, &c. being required thereto, 5 *Eliz.* 4. Shall be committed until he will ſerve.

May cauſe Artificers and others being able, to work by the day in Hay or Corn-Harveſt, 5 *El.* 4. Shall be by the Conſtable ſet in the Stocks for two days and one night, which if he neglect ſhall forfeit forty ſhillings in Seſſions.

May licence ſuch as will go from County to County to work in Harveſt, *Eliz.* 4.

May allow Maſters to put away their Servants within the Term if there be cauſe, but not their Apprentice, 5 *Eliz.* 4. *Dalt.* p. 60.

May examine ſuch as in the Night time take Pheaſants and Partridges, or Hawk in Eared Corn, 23 *Eliz.* 10. Shall bind them over to the next Seſſions, and upon refuſal commit them to Priſon.

Make take Recognizance for the appearance of ſuch as take with Setting Dogs, Pheaſants or Partridges, and return it to the next Seſſions, 3 *Jac.* 11.

May eſtreat the Forfeitures of ſuch as are convicted before him, for ſhooting in Croſs-bows and Hand-guns, into the *Exchequer*, 33 *H* 8. 6.

May certifie the Offence preſented to him for not coming to the High-ways, into the Seſſions, 3 *Mar.* 8. 5 *Eliz.* 13. 18 *Eliz.* 9.

The Juſtice not certifying it ſhall forfeit five pounds, the Churchwarden forty ſhillings not certifying to the Juſtice.

May preſent to the Quarter Seſſions the Conſtables and Churchwardens if they call not together yearly the Pariſhioners, the *Tueſday* and *Wedneſday* in *Eaſter*-week, and chuſe Surveyors for mending the Highways, 5 *Eliz.* 13. Shall upon their neglect be fined in the Quarter-Seſſions.

May preſent Conſtables and Way-Wardens if they appoint not ſix days for the repairing of the High-ways leading to Market-Towns, 5 *Eliz.* 13. Shall upon the Juſtice Preſentment be fined,

Houſholders, &c. refuſing to labour, or not ſending every of the ſix days an able Labourer for eight hours, 5 *Eliz.* 3. *Dalt.* 52. Shall upon the Juſtices Preſentment be fined in Seſſions.

Owners

Owners of Ground next the High-ways not keeping their Hedges diked, and kept low, 5 *Eliz.* 13. *Dalt.* 52. Shall be fined twenty ſhillings.

If any refuſe being elected Surveyors of the Highways, 5 *Eliz.* 13. Shall be preſented in Seſſions and fined.

Surveyors of High-ways not preſenting within one Month ſuch as neglect or abſent them from repairing the Highways, 5 *Eliz.* 13. Shall upon the Preſentment of one Juſtice be fined forty ſhillings in Seſſions.

High-Conſtables and Bailiffs neglecting to levy the Amerciaments eſtreated for not repairing the High-ways, or not making true Account of Sums levied to the Conſtables and Churchwardens of the Pariſh, or if the ſame be not laid out in the mending the High-ways of the Pariſh, 5 *Eliz.* 13. Shall upon the Preſentment of one Juſtice be fined in Seſſions.

May puniſh wandring Rogues, 39 *Eliz.* 4. Shall be whipped and ſent to the place of their Birth; the Conſtable neglecting it ſhall forfeit ten ſhillings to be levied by the Warrant of two Juſtices.

May puniſh common Labourers which will not work for Wages aſſeſſed, and ſuch as ſhall refuſe as being apapointed by the Overſeers, 39 *Eliz.* 4. Judges Reſolution, 10. 43 *Eliz.* 2. 7 *Jac.* 4. ſhall be ſent to *Bridewel.*

Such as refuſe to pay the Charges of their Commitment to the Gaol, 3 *Jac.* 10. Shall be levied by Diſtreſs and Sale of their Goods by the Appraiſement of four honeſt Perſons.

Shall give Teſtimonials under his hand of the Landing of Marriners and Souldiers, with the Name of the place where they did land, and where they are to paſs, 39 *Eliz.* 4. 39 *Eliz.* 17.

May puniſh ſuch as ſhall wittingly be the Publiſher of falſe Propheſies, 5 *Eliz.* 15. *Dalt.* 78. By Enquiry, ſhall forfeit ten pounds, and be impriſoned without Bail for one year.

May puniſh ſuch as ſhall make to ſell deceitful Mault, or Mault mingled, 2 *Ed.* 6. 10. 27 *Eliz.* 14. 21 *Jac.* 28. Upon View or Information, ſhall be ſold by the Conſtable, by the advice of one Juſtice of the Peace.

May puniſh Maſters abuſing their Apprentices, and not obeying the Juſtice of Peace's Order, 5 *Eliz.* 4. ſhall be bound to appear at the next Quarter-Seſſions.

May with the Clerk of the Peace take and enrol Deeds of Bargain and Sale, acknowledged before them within ſix Months; ſhall for Fees of Land under forty ſhillings *per annum*,

annum, pay 12 *d.* to the Juſtice of the Peace, and 12 *d.* to the Clerk of the Peace: If above forty ſhillings *per annum*, ſhall pay two ſhillings ſix pence to each.

May with the Cuſtomer certifie the unlading, and Sale of Corn and Cattle (carried to any place of the Realm) to the Cuſtomer where it was landed, 5 *Ed.*6.14. 13 *El.*25.

May puniſh ſuch as ſhall tranſport beyond the Seas Mault, Beer, Butter, Cheeſe or Wood, 2 *Mar.* 5. By Examination of Maſters and Mariners, the Owner knowing it, ſhall forfeit his Ship, the Owner of the Corn the value, the Maſter and Mariner ſhall be impriſoned one year, and forfeit their Goods.

May examine Diers, their Servants and Workmen, if they made uſe of any Logwood, and bind the Maſters and them to the next Seſſions, 39 *Eliz.* 11. ſhall if convicted in Seſſions, pay ten pounds and ſtand in the Pillory.

May examine ſuch as are brought before him for Felony, or ſuſpected thereof, and the Information of thoſe that bring them, ſhall be put in Writing, 3 *Mar.* 10. ſhall be fined by the Juſtice of Gaol-delivery.

May let to Bail Priſoners in the Common-Gaol, if not for Felony or ſuſpition thereof, or for greater Offences, or whereby any Statute Bail is prohibited, 3 *H.*7.3. *Dalt.* 32.

May puniſh perſons accuſed for reporting falſe News, contrary to *Weſt.* 1.34. and 2 *R.* 2. 5. ſhall produce the Author, or be impriſoned, or bound to the Good Behaviour.

May make Taxes for Hoſpitals, if the Conſtables and Churchwardens do not, 45 *Eliz.* 2. ſhall be levied by Diſtreſs and Sale, and for want of Diſtreſs be committed.

May do the like for the Aſſeſs of Mariners and Souldiers, 43 *Eliz.* 3.

May tax the Pariſh until the next Quarter-Seſſions for the relief of diſabled Souldiers, if the Pariſhioners and Churchwardens ſhall not refuſe them, 39 *Eliz.* 17. 43 *El.*3. The Churchwardens making the Rate, may levy the ſame without other Warrant; but if it be done by Juſtice, it muſt be levied by his Warrant.

May grant forth his Warrant for the apprehending ſuch as hunt in Parks by Night, with diſguiſed or painted Faces, or ſhall be thus ſuſpected, 1 *H.* 7. 7. *Lamb.* 191. If they conceal it tis Felony, otherwiſe it is but a Treſpaſs, fineable in the Quarter-Seſſions.

May within Month after Arrival, ſeize the Goods of People naming themſelves *Egyptians*, 12 *H.*8. 10. *Lamb.*196. Shall have one Moiety to his own uſe, and give account for

for the remainder in the *Exchequer*; after the Month, the Goods are all forfeited to the King.

May examine persons robbed, whether they know those that robbed them, and bind them to prosecute them by Indictment, 27 *Eliz.* 13. If they shall refuse they cannot bring their Action and recover upon the Hundred.

May command persons not to give relief to Strangers. Servants or Sojourners, as shall refuse to go to Church for one Months space, shall for every Offence forfeit 10 *l.*

May administer an Oath to Recusants confined which have Licence from him and three other Justices to travel about their Business, 3 *Jac.* 5. *Lamb.* 296.

May punish such as are licensed to transport Corn, Victuals or Wood, shall transport more than is contained in their Licence, or shall land the same; or any part thereof at several places, 2 *Mar.* 5. By Enquiry and Examination of Master and Mariners, shall forfeit their Corn, Goods and Chattels, and treble Damages, and be imprisoned for one whole year.

May punish Carriers travelling with Horses, *&c.* and Drovers with Cattel on the Sabbath day, Butchers killing or selling Meat on the Sabbath day shall be punished, 3 *Car.* 1. By proof of two Witnesses, View or Confession shall forfeit 20 *s.* to the use of the Poor, to be levied by Distress, *&c.* the Informer shall have the third part.

May punish such as usually sell Ale, Beer, *&c.* not having Licence, 3 *Car.* 3. Upon proof of two Witnesses or Confession, shall forfeit 20 *s.* to the use of the Poor, to be levied by Distress, *&c.* after three days, restoring the Overplus, and if no Distress, or not paid within six days, to be whipped; for the second Offence shall be sent to *Bridewel*, for the third to remain there till delivered by Sessions.

May compel persons refusing to take cracked Mony, 19 *H.* 7. 15. At their discretion may commit them to Prison.

May command persons dwelling with those that have the Plague, not to go abroad, 1 *Jac.* 31. *Lamb.* 197. If they attempt afterwards to go abroad may be inforced to keep in their Houses, if after Restraint, they shall go abroad shall be accounted Felons or Vagabonds.

Clothiers not paying their Carders, Spinners and others their Wages in lawful Mony, 4 *Ed.* 4. 1.

Upon Examination shall for every default forfeit treble the Wages to the Workmen, *&c.* to be committed till payment.

Clothiers

Clothiers giving exceſſive weight to their Workmen, 4 *Ed.* 4. Upon Examination ſhall for every Offence forfeit 6 *d.* to the Workman, ſhall be committed till payment.

Spinſters, Carders, Fullers, *&c.* neglecting their Duty, 4 *E.* 4. 1. Upon Examination ſhall forfeit to their Maſter treble wages, and by the Conſtables in the Petty Seſſions ſhall be committed till payment.

May puniſh Souldiers, or Mariners found begging or counterfeiting a Certificate, 43 *Eliz.* 13. Shall loſe his Penſion and be puniſhed as a common Rogue.

If any Man ſhall keep any other Weight, Meaſure or Yard than is according to the ſtandard at the *Exchequer*, 17 *Car.* 1. *cap.* 19. By proof of one witneſs, ſhall for every Offence forfeit 5 *l.*

Every Juſtice upon Notice given him of Tobacco ſown within his Pariſh ſhall deſtroy it, 15 *Car.* 2. *cap.* 7. Sheriff, Mayors, Conſtable, *&c.* may likewiſe do the ſame.

Every Juſtice a Month before the General Seſſions ſhall grant his Warrant to every High Conſtable to ſearch what Tobacco is ſown, 22, 23 *Car.* 2.

May puniſh Perſons for killing Deer without conſent, 13 *Car.* 2. *c.* 10. Upon Confeſſion or one Witneſs, ſhall forfeit 20 *l.* to the Owner and Informer, to be levied by Diſtreſs, or the Offender impriſoned ſix Months.

May puniſh Quakers above five meeting under pretenſe of Religious Worſhip, 13, 14 *Car.* 2. *cap.* 1. Shall be committed in order to Conviction.

May puniſh ſuch as ſtop up an Hearth chargeable, 16 *Car.* 2. 5. Upon View, Confeſſion, or upon Oath, ſhall forfeit double the Duty, to be levied by Diſtreſs.

May commit Carmen, *&c.* taking Goods, landed without Warrant from a Cuſtomer, 14 *Car.* 2. *cap.* 11. Upon proof of two Witneſſes, muſt find Sureties before he be freed out of Priſon.

May puniſh Silk-winders, *&c.* imbezelling Silk, *&c.* received, 14 *Car.* 2. *cap.* 15. Upon Confeſſion or one Witneſs, ſhall pay Damages to the loſer or be whipped.

May puniſh ſuſpitious Perſons in the Night taking Pilchard-Boats, 14 *Car.* 2. *cap.* 28. ſhall forfeit 5 *s.* to the Poor and be ſet in the Stocks.

May grant Warrants to ſearch for Wood, 15 *Car.* 2. 2. The finding without proof by the Poſſeſſor of the Property ſhall be convicted of ſtealing it, ſhall pay Damages to the Owner, and any Sum to the Poor under 10 *s.* as the Juſtice ſhall name, or be committed and whipped any time under a Month by the like Order.

Shall administer the Oath to Gagers to gage, 15 *Car.* 2. 11.

No person shall stop any Hearth, 16 *Car.* 2. *cap.* 3. Upon Confession, View or Witnesses, shall forfeit double the Duty, to be levied by Distress.

May punish persons not burying in Woollen, *&c.* 13 *Car.* 2. *cap.* 4. shall forfeit 5 *l.* to the Poor to be levied by Distress.

May punish persons present at Seditious Conventicles, 13 *Car.* 2. *cap.* 1. Upon proof of two Witnesses, Confession or notorious Evidence of the Fact, shall pay 5 *s.* for the first Offence 10 *s.* for the second Offence 10 *l.* to be levied by Distress.

May punish Constables permitting Waggons to pass contrary to the Act, *&c.* 28 *Car.* 2. *cap.* 12. Upon proof of one Witness shall be fined not exceeding 40 *s.* to be levied by the High-Constables.

May punish such as take Fish by Net, Engine, *&c.* in anothers Fish-pond, *&c.* 22, 23 *Car.* 2. *cap.* 25. Upon proof of one Witness, not exceeding treble Damages to the Party, and not exceeding 10 *s.* to the Poor, to be levied by Distress, or committed not above one Month.

Two Justices.

May punish Clothiers and others refusing to pay Wages assessed in *Easter* Sessions, 1 *Jac.* 6. Upon proof of two Witnesses or Confession, shall forfeit 10 *s.* to be levied by Distress and Sale.

May punish Clothiers putting Nouls, Thrums or Flock into Broad-Cloth, 21 *Jac.* 18. Upon proof of two Witnesses or Confession, shall forfeit 5 *l.* to be levied by Distress, and for want of Distress to be committed.

May appoint in Towns not Corporate, Overseers for Cloth and Swear them, 3 *Ed.* 6. 2. 39 *Eliz.* 20. 43 *El.* 10. shall forfeit 40 *s.* and be committed till payment, if he shall refuse the Office of being Overseer, shall forfeit 10 *l.* if they search not every quarter.

May in Towns not Corporate charge Overseers upon Oath, and bind them in Recognizance of forty pounds to use their best endeavour to discover those that make deceitful Cloth, 39 *Eliz.* 20. *Dalt.* 53.

Overseers refusing to appear, or be bound, shall forfeit 40 *s.* and be committed till payment. The Justice neglecting to appoint Overseers shall forfeit 5 *l.*

May (by Warrant) call any before them, and examine him upon Oath for discovering Offences, Complaint being made by the Overseers of Cloth, 21 *Jac.* 18.

May

May punish Weavers, Carders, *&c.* imbezelling any Yarn or Wool, 7 *Jac.* 7. Upon proof of one Witness, shall make satisfaction, whipped or set in the Stocks, the Receiver knowing it shall suffer like punishment.

May punish persons making Malt, being prohibited by Order in Sessions, 39 *Eliz.* 16. Upon proof of two Witnesses or Confession, shall be committed without Bail until he become bound in forty pounds by Recognizance to obey such Order.

May punish Destroyers of Pheasants or Partridges, 7 *Jac.* 11. Upon proof of one Witness. One Justice may bind him by Recognizance in twenty pounds Bond not to kill or destroy any more, being first convicted before two Justices, *&c.* shall for such Offence be committed three Months, or pay 20 *s.* for each Bird so killed.

May punish Destroyers of Pheasants, Partridges, *&c.* with Guns, Nets, Bows or other Engins, 1 *Jac.* 27. shall immediately upon Conviction pay 20 *s.* to the Churchwardens or committed three Months.

May cause them to pay for every Partridge 20 *s.* for other Fowls 20 *s.* for the Eggs of Fowls 20 *s.* for every Hare 20 *s.*

May cause them to pay for destroying every Partridge, Fowl or their Eggs, or Hare 20 *s.* 1 *Jac.* 27. Upon Confession or proof of two Witnesses. Or to give Recognizance in twenty pounds to kill no more, after Commitment one Month.

None not having ten pounds Inheritance, thirty pounds Freehold, or not having Goods to the value of 200 *l.* or not paying 40 *s* to the Poor, shall keep any Greyhound or Setting-Dog, on pain to be committed and imprisoned if Convicted.

Any Man may in the day time by himself, or with his Servant, take Partridges between *Michaelmas* and *Christmas* having 40 *l.* Freehold *per annum*, eighty pounds Lease or Goods to the value of 400 *l.*

May grant their Warrants to the Constable, *&c.* to search the House of any person suspected to have Setting-Dogs, Nets, *&c.* not having 40 *l.* Freehold *per annum*, &c. *ut supra*, 7 *Jac.* 11. Shall kill their Dogs and cut in pieces their Nets.

May punish such as hawk before the first of *July* and the last of *August*, 7 *Jac.* 11. 23 *Eliz.* 10. Upon proof of two Witnesses, shall suffer three Months Imprisonment if convicted within six Months, or pay for every hawking 40 *s.* and 20 *s.* for every Pheasant or Partridge he shall kill.

May punish such as not having 40 *l.* Inheritance *per annum*, or not worth 200 *l.* in Goods, or hath not a Warren or Ground inclosed to the value of 40 *l. per annum*, that shall keep Guns, Bows, to destroy Deer, Conies, *&c.* or shall keep Purse Nets, Ferrets or Cony Dogs, *&c.* 3 *Jac.* 13. Such may take and keep them which have 100 *l. per annum.*

May punish Officers being found faulty touching Weights and Measures, 11 *H.* 7. 4. Upon Enquiry or Examination shall be fined.

May find such as shall sell or buy with Weight and Measures not sealed, 11 *H.* 7. 4. Upon Enquiry or Examination shall be fined as the Justice shall think fit.

May punish such as shall disturb Ministers licensed to preach, 1 *M. Parl.* 1. *cap.* 2. Upon proof of two witnesses shall be imprisoned 3 Months, and so to the next Sessions.

May require Recusants Convict travelling above five miles from home to abjure, if they conform not within three Months, or not having forty Marks *per annum*, or not worth forty pounds in Goods, 35 *El.* 2. *Lamb.* 338. *Quorum unus.*

It is Felony for such to refuse Abjuration, such as abjure their Abjuration must be certified to the next Sessions.

May require Persons Convict or Indicted for not absenting themselves from Church or not receiving the Sacrament twice the year past; or Strangers passing through the Country, who upon Examination by Oath are found to be Recusants, *&c.* to take the Oath of Allegiance, 3 *Jac.* 4. Upon refusal shall be committed without Bail till he will take it, to the next Assizes or Sessions. *Quorum unus.*

Any under the degree of a Baron, being above eighteen years old, may be required to take the Oath of Allegiance. Upon refusal shall be committed without Bail till he shall take it.

May search for Popish Books and Reliques in the House of such as are Popish Recusants Convict, or such whose Wife is a Recusant Convict, 3 *Jac.* 5.

Shall in open Market deface their Crucifixes and Reliques of Price, and restore them to the Owner; but other Reliques and Books shall be burnt.

Married Women being Recusants Convict may be punished by two Justices *Quorum unus*, 7 *Jac.* 6. shall if she conform not within three Months be committed till she doth, or the Husband pay 10*l.* every Month or the third part of his Lands.

May take within six days after their Return the Submission of such as are reconciled to the Church of *Rome*, and give them the Oath of Allegiance and Supremacy, and certifie

tifie it into the next Quarter Sessions, 3 *Jac.* 4. shall forfeit 40 *l.* if he certifie it not.

May examine Strangers suspected to know whether Priest or Jesuit or no, 35 *Eliz.* 2. Upon refusal to answer directly shall be committed till he doth.

May cause Captains in this Realm having the Charge of Souldiers, and such as have the Charge of Castles, Forts, Garrisons, to take the Oath of Allegiance, 7 *Jac.* 6. shall upon refusal be committed till the next Assizes or Sessions. *Quorum unus.*

May punish such as pur out such Poor out of their Parish, as ought not to be put out, 39 *Eliz.* 4. upon proof of two Witnesses, or Confession, shall by Warrant from two Justices of the Peace *Quorum unus* be bound to the Good Behaviour, and forfeit 5 *l.*

May punish Overseers of the Poor if faulty, *Quorum unus*, 43 *Eliz.* 2. upon proof of two Witnesses, shall upon default of not meeting every Month forfeit 20 *s.* if refuse to give an Account shall be committed.

May punish such persons as shall run away and leave their Family to be chargeable to the Parish, or such as shall threaten so to do, 7 *Jac.* 4. upon proof of two witnesses. Upon refusal to give Security to discharge the Parish shall be sent to *Bridewel* and punished as incorrigible Rogues.

May punish such as have a Bastard Child if likely to be chargeable to the Parish, 7 *Jac.* 4.

Shall from the Privy Sessions be sent to *Bridewel* for one year, and be bound not to offend again in the like nature.

May provide for the Maintenance of Bastards, and Ease of the Parish, and punish the Mother and reputed Father of such Bastards, 18 *Eliz.* 3. If they perform not the Order without Appeal, and Bond given to abide the Order of the next Sessions (if they there shall make any) or else to obey the former Order) they are to be committed until, *&c.* *Quorum unus.*

May licence poor Persons to go the *Bath*, *&c.* 39 *El.* 4. shall be punished as Rogues if found without Licence. *Quorum unus.*

May within one Month after *Easter* appoint Overseers for the Poor yearly, 43 *Eliz.* 2. Every Justice neglecting so to do, shall for his neglect forfeit 5 *l.*

May punish such as will not suffer Rogues to be punished, 39 *Eliz.* 4. Upon proof of two Witnesses or Confession, shall be bound to the Good Behaviour, and forfeit 5 *l.* to be levied by Distress and Sale. *Quorum unus.*

May punish Officers negligent in the punishment of Rogues, 39 *Eliz.* 4. Upon proof of two Witnesses or Confession, shall forfeit 10 *l.* to be levied by Destress, *&c.* *Quorum unus.*

Quorum unus. May puniſh Officers negligent in the puniſhment of Rogues, 39 *Eliz.* 4. Upon proof of two Witneſſes or Confeſſion, ſhall forfeit 10 *l.* to be levied by Diſtreſs, *&c.*

Quorum unus. May puniſh ſuch as ſhall ſuffer Rogues to go from their Doors and not apprehend them, 1 *Jac. cap.* 7. Upon proof of two Witneſſes or Confeſſion, ſhall forfeit 10 *s. &c.* The Conſtable not puniſhing Rogues brought to him ſhall forfeit 20 *s.*

Quorum unus. May hear and determine all Matters which ſhall come in queſtion upon the Statute of Rogues, 39 *Eliz.* 4. *Lamb.* 331. Upon proof of two Witneſſes or Confeſſion.

Quorum unus. May puniſh Maſters retaining ſuch as are out of Service, and not having a Teſtimonial of their lawful Departure, 5 *Eliz.* 4. ſhall forfeit 5 *l.* to be recovered in Seſſions.

And ſuch as give not the Wages rated in *Eaſter*-Seſſions, *Lamb.* 330. The Covenant ſhall be void, and the Maſter impriſoned ten days without Bail.

Quorum unus. May cauſe Labourers and Artificers not to depart from their Maſters till their work be ended, if they will have them ſo long and pay them their wages, 5 *Eliz.* 4. ſhall have an Action of Debt againſt ſuch in the Seſſions, be impriſoned one Month, and forfeit 5 *l.*

Quorum unus. May puniſh Maſters who ſhall put away their Servants at the end of their Term not giving them a quarters warning, 5 *Eliz.* 4. The matter upon complaint being heard and examined, ſhall in Seſſions forfeit 40 *s.*

May likewiſe puniſh Servants departing from their Maſters, not giving them a Quarters warning before two witneſſes, 5 *Eliz.* 4. The Matter upon Complaint being heard and examined.

And if he ſhall not depart with the Conſent of a Juſtice of Peace ſhall be committed till he will ſerve.

Such as have promiſed to ſerve, and afterwards ſhall refuſe, 5 *Eliz.* 4. The Matter upon Complaint being heard and examined ſhall be committed till bound to ſerve.

May puniſh Servants aſſaulting their Maſters, or ſuch as are their Overſeers, 5 *Eliz.* 4. Upon proof of two Witneſſes or Confeſſion, ſhall at the diſcretion of the Maſter ſuffer one years Impriſonment, or leſs if he think fit, except Loſs of Life and Member.

Quorum unus. May cauſe VVomen unmarried between the Age of twelve and forty, being not in Service to ſerve by the year, day or month, *&c.* and for ſuch wages as they ſhall appoint. Men likewiſe above twelve, and under ſixty, ſhall be compelled to work at Husbandry, 5 *Eliz.* 4. Upon refuſal be committed till he will ſerve, but if under twelve years

years she may not be compelled, nor bound by Covenant. Boys not being Apprentices (which they may at ten years, and with Fishermen and Gunners at seven years) may not be compelled to serve.

May forbid those that are common sellers of Ale and Beer, or such as are prohibited, or sell without Licence, 5 *E.* 6. 25. shall be committed three days, and fined in the Sessions 20 *s.* The Discharge and Offence must be certified to the next Sessions, which is a Conviction, and must be fined upon the Certificate. *Quorum unus.*

Counties within five Miles of Towns infected with the Plague shall be taxed for their weekly Relief, 1 *Jac.* 31. This Tax must be certified at the next Quarter Sessions.

May punish Officers not collecting Rates made for the Relief of persons infected, 1 *Jac.* 31. Shall for every Offence forfeit 10 *s.*

May appoint Watchmen, Searchers and Keepers of Persons infected with the Plague, 1 *Jac.* 31. Shall administer them an Oath for performance of their Office; 'Tis Felony for any after restraint to go abroad, having any infectious Sore upon him not cured; if no Sore, shall be bound to the Good Behaviour, and punished as a Vagabond.

May punish persons refusing to obey the Sentence of Ecclesiastical Judges in case of Tythes, 27 *H.* 8. *cap.* 20. 32 *H.* 8. 7. 27 *Eliz.* 11. shall be committed till he shall obey such Order.

May assess Hundreds and Towns for levying of Monies lost by Robbery, 27 *Eliz.* 13. Must be proportioned by the Constables upon the Inhabitants, and levied by Distress.

May order what Fisher-men shall be pressed for Mariners, 5 *Elix.* 5.

May punish Rioters, 13 *H.* 4. 7. 2 *H.* 5. 8. 8 *H.* 6. 14. 19 *H.* 7. 13. By Indictment, shall be fined and imprisoned.

May punish such as shall escape Taxations at Subsidies, *Lamb.* 336. 3 *Car. p.* 18, 19. shall be doubly charged and punished as the Justices shall think fit.

May bail persons committed for Felony or Suspition thereof, 2 *Mar.* 13. Shall be fined by the Justices of Gaol-Delivery.

May bail persons imprisoned upon Process from Sessions, made upon penal Statutes, nor forbidding Bail, *Lamb.* 348. *Quorum unus.*

May joyn with the Bishop and Chancellor in taking of Accounts of Collectors of Monies, and Revenues belonging to any Hospital, 14 *Eliz.* 5. 39 *Eliz.* 18.

By Statute 2 *H.* 5. 1. The Ordinary may make enquiry and punish by Cenfures and Laws of the Church, without any other to affift him, if it be an Hofpital which is not founded by the King, if it be, then he muft have a Comiffion to enquire.

May fet on work Souldiers and Mariners coming from Sea, not having work in the place where they live, 35 *Eliz.* 17. Shall tax the whole County for their Relief until they have work.

May divide the fourth part of a Wood being appointed by the Seffions upon the Complaint of the Lord, 35 *H.* 8. 7. 23 *Eliz.* 11.

Quorum unus. May overlook Sheriffs Books and Amerciaments and feal the Indentures of his Eftreats being appointed by the *Cuftos Rotulorum*, or eldeft of the *Quorum*.

Quorum unus. May fwear Under-Sheriffs, and give them the Oath of Supremacy, and the Oath for the true executing of their Office, 27 *Eliz.* 12.

Shall not impanel any Jury before fworn, on pain to forfeit 20 *l.*

They may adminifter the like Oath to every Deputy, Clerk of the Sheriff, that hath Authority to return any Jury, and fhall meddle in the Execution of any Proces in any Court of Record, and are Bailiffs of Liberties, but not of fuch as gather Amerciaments.

Quorum unus. May burn Logwood found in any Mans Cuftody, 23 *El.* 9.

May bind to the Seffions fuch as get Mony or other things by colour of falfe Tokens or Letters in other Mens Names, 33 *H.* 8. 1. Shall be fet in the Pillory upon Conviction, or fuffer any other Corporal punifhment, Death excepted.

Quorum unus. May convene Bailiffs and Head-Conftables upon Complaint of Churchwardens, having Eftreats for the Collecting of Fines for the High-ways, and take Account and compel them to pay all Arrearages to the Conftables and Churchwardens, 3 *Mar.* 8. 5 *Eliz.* 13.

May fine Conftables not appearing at the Petty Seffions, 7 *Jac.* 4. *Dalt.* 103. The Fine muft be under 40 *s.*

Quorum unus. May grant Precepts to the Sheriff within ten days after Commitment of any fent to Prifon for fpeaking of falfe News contrary to 3 *Ed.* 4. 34. to return a Jury to require thereof, 2 *Mar.* 3. 1 *Eliz.* 6. 33 *Eliz.* 2. fhall forfeit 10 *l.*

May punifh Retailers prefenting unto them Cloth, wanting either length or weight, contrary to 4 *Jac.* 2.

It fhall be divided into three parts, one to the Overfeers and Searchers, two to the Poor.

May punifh diforderly and idle Perfons refufing to work,

7 *Jac.*

7 *Jac.* 4. 43 *Eliz.* 2. 39 *Eliz.* 4. 4 *H.* 7. 12. ſhall be ſent to the Houſe of Correction.

May determine all Forfeitures on the Statute of Exciſe, and to mitigate the ſame, ſo it be not leſs than double the Duty, 12 *Car.* 2. 24. Upon proof of one Witneſs or Confeſſion ſhall forfeit to the Brewer 5 *l.* for not entring weekly, and 5 *l.* for not paying what is entred. To be levied by Diſtreſs, and for want thereof to be impriſoned.

No Purveyance ſhall be made for the King, *&c.* No preemption ſhall be allowed in behalf of the King, *&c.* 12 *Car.* 2. *cap.* 24. Shall be committed to the Seſſions there to be indicted, and beſides the Party grieved ſhall have his Action for treble Damages. The Conſtable likewiſe may commit the Offender.

May adminiſter the New Oaths of Allegiance and Supremacy to ſuch as ſhall have any place in the Poſt-Office, 12 *Car.* 2. 35.

If an Incumbent ſhall not once in a Month read Common Prayer, or excuſe himſelf to the Ordinary, 13, 14 *Car.* 2. *cap.* 4. upon proof of two Witneſſes or Confeſſion, ſhall for every Offence forfeit 5 *l.* to be levied by Diſtreſs.

By-Laws for regulating Stuffs in *Norwich* muſt be confirmed by them, 13, 14 *Car.* 2. *cap.* 6

Shall aſſign Relief to Souldiers maimed in the laſt War until the Quarter Seſſions, 14 *Car.* 2. 9.

May allow the Certificate of the Overſeers, *&c.* that an Houſe rated to the Duty of Hearth-Mony is not worth 20 *s. per annum*, &c. 14 *Car.* 2. *cap.* 10.

May remove a Perſon like to be chargeable to a Pariſh, unleſs he give Security, 14 *Car.* 2. *cap.* 12.

May cauſe ſearch to be made for foreign Bone-Lace, and to ſeize the ſame, 14 *Car.* 2. *cap.* 13.

May puniſh ſuch as ſhall bribe any Gager, *&c.* 15 *Car.* 2. *cap.* 11. Upon proof of two Witneſſes, the Gager ſhall forfeit 10 *l.* to be levied by Diſtreſs.

May adminſter the New Oaths of Allegiance and Supremacy to Foreigners who ſhall uſe any Trade about Hemp and Flax, or Tapeſtry Hangings, 15 *Car.* 2. *cap.* 15.

Shall certifie where any Officer Civil or Military have taken the Oath of Supremacy and Allegiance in the Seſſions, 25 *Car.* 2. *cap.* 12.

Three Juſtices.

May make Certificate for Apprentices that they may diſpend 40 *s. per annum*, 5 *Eliz.* 4.

May

May take the Information againſt ſuch as ſhall deprave the Sacrament of the Lords Supper, 1 *Ed.* 6. 1 *Eliz.* 1. Upon proof of two Witneſſes, the Accuſers ſhall be bound over to the next Seſſions, and at the Seſſions may grant a Writ to the Sheriff to preſent.

May grant Licence to Badgers and Drovers, and ſuch as tranſport Corn and Cattle from one Port to another, 2 *Ed.* 6. 14.

This Licence muſt be granted anew in the Quarter Seſſions, 5 *Eliz.* 12.

May bail ſuch as ſhall ſpeak unreverently of the Sacrament of the Lords Supper, 1 *Ed.* 6. 1.

May conſent to a Petition of above twenty Perſons to his Majeſty, or the Parliament, for the alteration of any thing both in Church or State, 13 *Car.* 2. *cap.* 5.

May execute By-Laws for regulating Stuffs in *Norfolk*, 13, 14 *Car.* 2. *cap.* 5.

May puniſh Perſons who in the Night Seaſon ſhall wound Cattle, deſtroy Trees, or throwing down Incloſures, 22, 23 *Car.* 2. *cap.* 7. Upon proof of Witneſſes or Jury.

Four Juſtices.

May aſſiſt the Biſhop, Lieutenant or Deputy in licencing of confined Recuſants to travel about their Employs, 35 *El.* 2. 3 *Jac.* 5.

If ſuch Recuſants, having Buſineſs for one Week ſhall have Licence granted them for one Month, ſuch Licence is void, as was delivered by Sir *John Walter* Lord Chief Baron in his Charge at the Summer Aſſizes at *Exon*, 1628. 4 *Car.*

Quorum unus. May make Taxes for the repair of Bridges, 22 *H.* 8. 5.

May cauſe Popiſh Recuſants convict to be diſarmed, 3 *Jac.* 5. The Order muſt be made in the Quarter Seſſions.

By the conſent (*Quorum unus*) the Sheriff, Gaoler, *&c.* may remove ſick Priſoners to other Priſons, *&c.* 19 *Car.* 2. *cap.* 4.

Six Juſtices.

Six Juſtices of the Peace (*Quorum duo*) may for one whole year after the Execution of any new Commiſſion of Sewers execute the Laws of the Commiſſion of Sewers, unleſs Sewers be publiſhed within the year, 13 *Eliz.* 9.

CHAP.

CHAP. VIII.

Where a Major or other Magistrate is impowered by the Statute to act as a Justice of Peace.

THE next Magistrate may commit till the next Sessions such as shall abuse a Custom Master, 14 *Car.* 2. *cap.* 11. *Customs.*

Major, *&c.* may commit any person preaching which is disabled so to do by Statute, 14 *Car.* 2. 14. *Preachers.*

Major, *&c.* may bind over Persons meeting, *&c.* or refusing an Oath in order to Conviction, 13, 14 *Car.* 2. *c.* 1. *Meeters.*

Major, *&c.* may convict unlicensed Alehouse-keepers, and levy the Penalties, 3 *Car.* 1. *cap.* 3. *Alehouse.*

Chief Magistrate of the Port, *&c.* may on Complaint grant a Warrant to search for uncustomed Goods, 12 *Car.* 2. *cap.* 19. *Customs.*

Major, *&c.* may put in Execution the Statute, 3 *Car.* 1. *cap.* 19. *Sunday.*

The Major may punish Offenders for prophane Swearing or Curling, 21 *Jac.* 20. *Swearing.*

Major, *&c.* may execute the Statute against riding armed, 2 *Ed.* 3. 3. *Armour.*

Major, *&c.* may seize and burn Logwood or Blockwood, 23 *Eliz.* 9. *Dying.*

Major, *&c.* may assess the Prizes of Ale and Beer, 23 *H.* 4. *Beer.*

Major, *&c.* may commit such as they find playing at unlawful Games, 33 *H.* 8. 9. *Games.*

Major, *&c.* may punish Offenders touching false Weights, 11 *H.* 7. 4. *Weights.*

Chief Magistrates may punish such as oppose the collecting of Hearth-Mony, 16 *Car.* 2. *cap.* 3. *Hearth-Mony.*

Major, *&c.* may hear and determine Matters concerning Servants and Apprentices, 5 *Eliz.* 4. *Servants.*

Major, *&c.* may enquire of Offences against the 1 *El.* 2.

Mayor, *&c.* may tax for Relief of Persons visited with the Plague, 1 *Jac.* 31. *Plague.*

Major, *&c.* may inspect and assess the Assize of Tale Wood, Billet and Faggot, 43 *Eliz.* 14. *Wood.*

Major, *&c.* may punish Offenders against the 43 *Eliz.* for robbing Orchards. *Orchards.*

Major, *&c.* may enquire of Offences touching Arrow-Heads, 7 *H.* 4. 7. *Arrow-Heads.*

Major,

Artificers. Major, *&c.* may enquire of Offences of Artificers and Victuallers, 2 *Ed.* 6. 15.

Veſſels. Major, *&c.* may aſſeſs the Prizes of Beer Veſſels, 8 *El.* 9. 23 *H.* 8. 4.

Veſſels. Major, *&c.* may ſearch Gauge all Veſſels for Salmon, Herring and Eeels, 11 *H.* 7. 23. 22 *Ed.* 4. 2.

Souldiers. Major, *&c.* of the Port, *&c.* may arreſt Souldiers departing without Licence, 18 *H.* 6. 19.

Leather. Major, *&c.* may hear and determine Matters touching Leather, and examine, *&c.* 1 *Jac.* 22.

CHAP. IX.

How Juſtices of the Peace may defend themſelves againſt Suits.

IF any Action, Bill, Plaint or Suit upon the Caſe, Treſpaſs, Battery or falſe Impriſonment, ſhall be brought any where againſt a Juſtice of Peace, *&c.* for any thing done *Virtute Officii*, it ſhall be lawful for them, or any other that act in their Aid, Aſſiſtance or Commandment to plead the General Iſſue, and to give the ſpecial Matter in Evidence, if the Verdict paſs for the Defendant or the Plaintiff be Nonſuit or Diſcontinue, the Judge ſhall allow double Coſts.

Which Statute was to continue but for ſeven years, but it is made perpetual by 21 *Jac.* 12. and it is thereby enacted, That all Actions upon the Statute ſhall be laid in the proper County where the Fact was done, and if upon the Tryal the Plaintiff ſhall not prove the Fact done in that County where the Action is laid, the Jury ſhall find the Defendant not Guilty; and in Caſe of ſuch Verdict, Nonſuit or Diſcontinuance, the Defendant ſhall have his double Coſts.

A Conſtable may make a Deputy and may plead the General Iſſue and thereby take benefit of 7 *Jac.* 5. as was reſolved, *M.* 13 *Jac. B. R. Philips* contra *Winchcomb*, *Moors Rep. p.* 145. *Bulſtr. part* 3. *p.* 77.

CHAP.

CHAP. X.

Of Accessories.

IN High Treason there be no Accessories, for the Advisers, Counsellors, Perswaders and Assistants, as also the Receivers knowing thereof, be all Principals, 3 *H.* 7. 10. *Stamf.* 40. *Bro. Treason* 19.

Note, That the Act which makes a Man Accessory in Felony, the same makes him a Principal in High Treason, *Stamf.* 40.

In the highest and lowest Offences there be no Accessories, but all are Principals, as in High Treason, so in the lowest, as Riots, Routs, Forceable Entries, and other Trespasses, *vi & armis.*

In Cases in Case of *Præmunire* there be no Accessories, for if the Principal appeal not, or happen to be dead, yet the other shall answer, *Bro. Treason*, 19.

In Petty Treason there may be Principals and Accessories as there be in Felonies.

There are two sorts of Accessories in Felony, the one before the Felony committed, the other after.

If a Procurer, Mover or Consenter, *&c.* be present at the time of the Felony committed, though he do nothing, he is Principal, *Plowd.* 100. *Bro. Coron.* 188, 228. and *Indictment* the 5.

If one being present at the killing or robbing of a Man, doth nothing, yet would have assisted his Companion if there had been need, he is a Principal, *Fitz. Coron.* 309. *Stamf.* 40.

If one be present where a Felony is committed, and doth not come in Company with the Felons, or be of their Confederacy, though he conceals it, 'tis no Felony in him, but only a Misprision and fineable, *Fitz. Coron.* 325. *Stamf.* 37, 40. *Cromp.* 44. 4 *H.* 7. 31.

If *A.* knowing drink to be Poison, and perswade *B.* to drink it, and afterwards *B.* in the absence of *A.* doth drink it and die thereof. *A.* is a Principal, though the Poison be drank in his absence, 4 *Co.* 44.

If any Offence be made Felony by Statute it may have Accessories both before and after the Fact committed, the Accessories be not mentioned in the Statute, *Lamb.* 279, 280. 19 *H.* 6. 47. 11 *H.* 4. 13. *Fitz. Coron.* 228.

If

If *A* command *B.* to lay hold upon *C.* and *B.* goes and robs *C.* this is no Felony in *A.* (if he be abſent at the time of the Robbery done) for this Command might have been performed without any Robbery; but if the Command had been to beat *C.* and *B.* kills him, *A.* is Acceſſory.

If a Command be given to rob *J. S.* and the Party commanded attempting to rob him, kill him, he that commanded the Robbery is Acceſſory to the Murder.

If *A.* counſel *B.* to kill *C.* by Poiſon, and he kills him with his Sword, *&c.* or to kill *C.* by the High-way, and he kills him in his Houſe, or to kill him one day, and he kills him another, in all theſe Caſes *A.* ſhall be Acceſſory to the Murder, *Ibid.*

If *A.* commands *B.* to kill *J. S.* and afterwards countermand it, yet *B.* kills *J. S.* in this Caſe *A.* ſhall not be judged Acceſſory, *Ibid.*

If *J. S.* counſelleth a Woman to murder the Child in her Body (when ſhall be born) and after when born the Midwife, or other Perſon in preſence of the Mother, and by her Command killeth the Child, *J. S.* is Acceſſory though done in his abſence, *Dyer* 186. 7 *Co. fol.* 9.

Note, That in Manſlaughter there can be no Acceſſory before the Fact, for Manſlaughter is always upon a ſudden Affray, Acceſſories to Petty Treaſon, wilful Murder or Robbery, or to the felonious burning of a Dwelling-Houſe or Barn with Corn, or Horſe ſtealing, ſhall not have the Benefit of the Clergy, 4, 5 *Ph. & M. cap.* 4. *Dyer* 183, 186. 11 *Co.* 35. 1 *Ed.* 6. *cap.* 17. 2 *Ed.* 6. *cap.* 33. 31 *Eliz. cap.* 12.

Acceſſories after Felony.

Acceſſories after the Offence are they who knowing that another hath committed a Felony do feloniouſly or voluntarily receive, harbour or relieve him, *&c.* whether it be before Attainder or after, *Bro. Indictment* 4.

To lend a Felon an Horſe, to go his way, or otherwiſe to make his Eſcape, makes the Lender an Acceſſory, *Fitz. Coron.* 427. but to relieve a Felon in Priſon, or to aid him by good words, or ſue for his deliverance, or ſend a Letter for his Enlargement, this maketh not a Man Acceſſory to the Felony, *Bro. Coron.* 103. no more it doth to relieve, *&c.* a Perſon going under Bail and ſtand bound to appear for his Tryal, *Lamb.* 286.

To receive a Felon after he hath obtained his Pardon doth not make the Receiver an Acceſſory, *Plowd.* 47. *b.*

A Felon is attainted either by Verdict, Confeſſion or Outlawry.

The receiving, *&c.* of ſuch an one by any dwelling in the ſame County makes him Acceſſory, though he know nothing

nothing of the Felony, for the Attainder being Matter of Record, every Person within that County is bound to take notice of it, *Fitz. Coron.* 377. *Stamf.* 960. *Dyer* 355. But if a Felon so attainted be received, *&c.* in another County, this maketh such Receiver no Accessory to the Felony unless he did also know of the Felony, *Fitz. Coron.* 375. *Stamf.* 41.

Such persons as shall buy or receive stoln Goods or Chattels, knowing the same to be stoln, shall be deemed as Accessary or Accessaries to such Felony after the Fact, and shall incur the same Punishment as Accessaries to the Felony after the Felony committed, 3 *&* 4 *Gul. & Mar.* 20 *Martii*, 1689. continued to *Octob.* 22. 1692.

A Feme Covert cannot be Accessory to her own Husband, but to another she may, *Fitz. Coron.* 383. *Stamf.* 26, and 43.

A Servant may be Accessory either to his Master or Mistress both before and after the Fact, *Stamf.* 27.

If a Master be a Felon and his Servant (knowing thereof) continue in his Service, he becomes his Accessory. So if a Servant be a Felon and his Master (knowing it) continue him in his Service, he is Accessory to the Felony, *Lest. M. Cooke.*

If a Man be the Cause of the Escape of a Felon, though he be his own Brother, he thereby becomes Accessory, *Stamf.* 42. But if one whom I know to be a Felon escape out of my House without my furtherance, I am no Accessory, *Bro. Esc.* 43.

He that rescues a Person arrested for Felony is a principal Felon, 1 *H.* 7. 6.

The buying or receiving of stolen Goods (knowing the same) doth not make a Man Accessory, unless he likewise receive or aid the Felon, *Yelv. p.* 4.

But if a Man buy stolen Goods for 5 *s.* that is worth 20 *s.* this makes him an Accessory; for this makes it appear that the Seller came not truly by them, and I ought to apprehend him.

If I pursue a Felon and take my Goods from him, suffering him to escape, yet I am not an Accessory, *Stamf.* 28. But if I take my Goods to favour the Felon, this was utcil unly Theft-bote, *Stamf. f.* 40.

If the Party robbed take Mony, *&c.* of the Thief to favour him, *&c.* he becomes Accessory to the Felony of his own Goods. Or as some are of Opinion is guilty of Theft-Bote, which is punishable by Ransom and Imprisonment, *Lamb.* 286. *Cromp.* 41. *Bro. Cor.* 112.

If

If upon Huy and Cry any person arrest the Thief and take the Goods from him, letting him go, he is an Accessory, 27 *Ass.* 62.

In case of an Accessory after the Fact, it is requisite that it be Felony at the time he becomes accessory to it. For if *A.* wound *B.* mortally, and *C.* knowing thereof receive *&c.* *A.* and then let him go before *B.* dies, he is no Accessory, *Stamf.* 287.

At Common Law no Man could be Accessory, *&c.* to a Felony in another County, but this altered by *Stat.* 2 *Ed.* 6. *cap.* 24.

Where an Offence is made Felony by Statute, although the same do not mention Procurers, Counsellers, Abetters, *&c.* yet such shall be accounted Accessory within the same, *Stamf.* 44.

A Man may be Accessory to an Accessory, if he receive, *&c.* him, knowing thereof, *Bro. Cor.* 104.

The Principal ought first to be attainted, because if he be acquitted he can have no Accessory.

If a Man upon Malice perceive a mad Man to kill another, though such person can have no Malice, yet the Inciter shall be principal, and the Crime go not unpunished.

If the Principal be attainted erroneously, the Accessory notwithstanding shall be put to answer, 9 *Co.* 68. *b.* and 119.

If the Principal die, be found not guilty, that he slew the other in his own defence, have his Clergy, or get his Pardon, the Accessory shall be discharged.

Where it is found that the Principal killed another *Se defendendo*, or by Misadventure, the Accessory shall be discharged, *Bro. Cor.* 13.

No Accessories in Forgery, which is made Felony, but all are Principals, *Moor* 666.

If the Principal be burnt in the Hand, the Accessory must be discharged; for the Accessory ought not to be condemned but where the Principal is attainted, *Cro. Car.* 567.

A Man may be Accessory to the stealing of his own Goods, as if he confederate with another to steal Goods from his Bailiff to the intent to charge his Bailiff, this is Felony, *Gould.* 186.

Three indicted upon the Statute of Stabbing, and found guilty, and he that did it executed, the other two adjudged Accessories, *Stil.* 86.

If twenty Men go in aid of the Sheriff, or any other lawful Act, if one of them kill another, the rest are not Accessories; otherwise if the twenty go about an unlawful Act, *Keilw.* 161.

Adulterer

Adulterer counſels the Woman to murther the Infant, which is born, he is Acceſſory, 7 *Co.* 9.

They that receive the Miſdoers upon the Statute of 3 *H.* 7. *cap.* 12. of ſtealing of Women, and by that Act the Acceſſory before and after are Principals, 12 *Co.* 21, 99.

By *Harris*, If a Man be robbed, and agree with the Felon, that he will not give Evidence againſt him, by which he eſcapes, he is Acceſſory to the Felony; Some are againſt this Opinion. But if after the Robbery he purſues the Felon and takes his Goods, and ſuffer the Felon to go, he is not Acceſſory, but its a Concealment, *Moor* 8.

CHAP. XI.

Admeaſurement of Keels, &c.

UPON the Act of 6 & 7 *W.* 3. *For the better Admeaſurement of Keels and Keel-boats in the Port of* Newcaſtle, *and the Members thereunto belonging*, It is enacted, That in caſe after the admeaſuring marking and nailing of any Keel, Boat, Wain or Cart, the Mark ſhall be removed or altered whereby to fruſtrate the intent of the Act, every perſon and perſons that ſhall have a hand in, or be privy to the doing thereof, and ſhall upon proof thereof by one or more credible Witneſſes before any one or more Juſtice or Juſtices of the Peace of the Counties where the ſaid Offence ſhall happen to be committed, and convicted thereof, ſhall forfeit 10 *l.* to be levyed upon his or their Goods or Chattels by Diſtreſs and Sale, by Warrant under Hand and Seal of the ſaid Juſtice or Juſtices (rendring the Overplus) to the Party diſtrained. And for want of ſufficient Diſtreſs the Parties ſo offending ſhall by like Warrant be committed to the Common Goal of the ſaid County for three Months without Bail or Mainprize. One half part of the Forfeiture to his Majeſty, *&c.* and the other to ſuch Perſon or Perſons as ſhall make ſuch diſcovery.

As often as any ſuch Offence is committed the Commiſſioners may mark and nail the ſaid Keels, Boats, Wains and Carts anew.

CHAP. XII.

Of Affrays.

Dalt. 35. 3 *Inſt.* 158. AFFRAY is derived from the *French* word *Affrayer*, ſignifying to affright or put in fear, and is no more in Law than a quarrelling or fighting together and is intended to be a common Wrong; and therefore every private Perſon ought to part the Affray, but not impriſon them; yet he may ſtay any perſon coming in harneſs to join with either Party; alſo any Perſon may ſtay the Affrayer till their heat be over, and deliver them to the Conſtable, to find Sureties of the Peace, or be impriſoned; but it ſeems he cannot do this unleſs the Affray be in his own preſence. If any one be dangerouſly hurt in an Affray or otherwiſe, he may arreſt the Offender, and carry him to the Gaol, or before a Juſtice of the Peace, who may either commit him, or bind him over until it appear what will become of the Party hurt. 3 *Inſt.* 158. The Conſtable being preſent may bid the Parties avoid upon pain of Impriſonment, and endeavour to part them, elſe he is fineable at the Seſſions; but if abſent, though he be made acquainted with it, he is not fineable at the Seſſions for his neglect. *Quære*, ſee the Oath of Conſtables. If Affrayors will not depart, but draw Weapons, or 3 *Inſt.* 158. ſtrike, the Conſtable may command Aſſiſtance, and in doing his Office may juſtifie the hurting of them, he may in the Kings Name make Proclamation to keep the Peace.

To lift up ones Hand againſt another is an Aſſault, *Mad.* 3.

Dalt. 36. *Cham.* 7. It is properly no Affray unleſs there be a Weapon drawn, or Blow given, or attempt made to that purpoſe; Words are no Affray, and yet the Conſtable may on Threats to kill, or hurt, carry the Party before a Juſtice to find Surety.

Dalt. 36. If an Affray be in an Houſe ſhut, the Conſtable may break it open to keep the Peace, and upon freſh purſuit may break open any whereto the Affrayers are fled; ſo if they fly into any other County they may be purſued thither, (but no otherwiſe, but as private perſons) and carried to a Juſtice of the County. If they fly into a Franchiſe in freſh purſuit, they may be taken thence. After the Affray the Conſtable without Warrant cannot arreſt, except ſome perſons be in peril of Death, but the Juſtice may.

Dalt. 37. A Juſtice may bind to the Peace ſuch as in his preſence ſtrike, threaten or contend in hot Words.

If

If a Person be dangerously hurt in an Affray, any Justice may commit the Offender within the year and day to remain in Prison till the year and day be expired, or the Offender find Sureties to appear at the next Gaol-delivery. *Dalt.* 37. *Hal. Pl. C.* 115.

If an Assault be made upon a Justice or Constable, they may defend themselves, and apprehend the Offenders, and make them find Sureties for the Peace; the Justice may apprehend them and send them to another Justice to be sent to the Gaol; The Constable may commit to the Stocks, and after carry to the Justice. *Hal. Pl. C.* 114. *Dalt.* 37. *Cham.* 8.

If any one by Word, Writing or Message challenge another to fight with him, this is an Offence punishable by Law, 3 *Inst.* 158.

If two be fighting, and there are more looking on, who do not their Endeavour to part them, if one be killed, the lookers on may be indicted and fined to the King, *Noy's Rep.* 50.

If a Man in fury be purposed to beat another, the Constable seeing it, may arrest him and carry him before a Justice of Peace, *Popl.* 13.

CHAP. XIII.

Of Alehouses.

FOR the use of Ale-houses see the Statute, 1 *Jac. cap.* 9. and for the Reformation of them in Number, *&c.* See 11 *H.* 7. *cap.* 2. 5 *&* 6 *Ed.* 6. *cap.* 25. These Statutes not working their designed ends, later Statutes have Provided that no Townsman, Handy-craftsman, or Labourer, otherwise than is there limited, shall continue drinking in a Tavern (which is likewise a Victualling-House) or in an Ale-House, Inn or Victualling-House under the penalty of the Forfeiture of 10 *s.* by such Tavern, *&c.* to the use of the Poor upon proof of one Witness, or Confession of the Offender before a Justice of the Peace or Major, *&c.* or upon his View, 1 *Jac. cap.* 9. 21 *Jac. cap.* 7. 1 *Car. cap.* 4.

One was indicted for selling Ale in black Pots being not sealed Measure, 1 *Syd.* 409.

An Indictment for selling Ale without Licence must conclude *Contra formam Statuti*, 1 *Saund.* 249.

Where an Inn doth use the Trade of an Ale-House its within the Statute of Ale-Houses, 1 *Bulst.* 109.

Husband muſt be joyned with the Wife in an Indictment for the Wifes ſelling Ale without Licence, becauſe he muſt pay the Fine, *Hill.* 20 *&* 21 *Car.* 2.

One cannot be indicted for ſelling Ale without Licence but muſt be convened by the Juſtice of Peace, if he pleaſes, *Rolls Rep.* 398. *Vid. King* againſt *Joyes*, *Car.* 2. But ſee the Books above *e contra*, *Trin.* 4 *W. & M.* the King and Queen againſt *Mariot.*

An Indictment againſt a Brewer for ſelling Ale to one that retailed the ſame not being licenſed, *Trin.* 29 *Car.* 2. *B. R.*

Any one may erect an Inn for Lodging for Travellers without any Allowance or Licence, *Hutton* 99.

Note, That the Offenders voluntary Confeſſion ſhall convict himſelf, and his Oath his Companions upon thoſe Statutes of King *James.* If leſs than one full Ale-quart of the beſt Ale and Beer, or of the ſmall two quarts be ſold for one penny, every ſuch keeper of a Tavern, *&c.* upon proof thereof before a Juſtice, *&c.* by one Witneſs, *&c.* ſhall forfeit 20 *s.* for every Offence, 1 *Jac. cap.* 9. 1 *Car. cap* 4. If Information hereof be made upon Oath, the Offender muſt be convened before Convicted.

Every Inhabitant continuing drinking in an Ale-houſe contrary to *primo Jac.* forfeits 3 *s.* 4 *d.* by Conviction of the Juſtice, or proof, 4 *Jac. cap.* 5. 2 *Jac. cap.* 7.

The like penalty for Perſons not inhabiting, and the like proof, 1 *Car. cap.* 4. 21 *Jac. cap.* 7.

Theſe Statutes do prohibit all quaffing and drinking of Healths, ſuch Houſes being ſolely appointed for the accomodation of Travellers, and for Relief of the Poor. Every ſuch Taverner, *&c.* which ſhall ſuffer any perſon whatever to tiple in his Houſe contrary to the ſaid Statutes ſhall be adjudged within the Statute, 1 *Jac. cap.* 9. 1 *Car. cap.* 4.

Any Juſtice or Head-Officer reſpectively have power on View, Confeſſion or Proof by one Witneſs to convict any perſon of drinking, and fine him 5 *s.* to be paid to the Churchwardens, or if unable, committed to the Stocks for ſix hours, 4 *Jac. cap.* 5. 21 *Jac. cap.* 7.

For the ſecond Offence ſhall be bound in ten pounds with two Sureties to the Good Behaviour, for want of Sureties to be ſent to the Gaol.

Drunkard may be puniſhed in Eccleſiaſtical Court, or by Juſtice of Peace, *Godb.* 514.

And for cauſe of Drunkenneſs a Magiſtrate may be removed, 1 *Roll. Rep.* 409. by two Judges.

Conſtables

Conſtables, Churchwardens, Headboroughs, Tythingmen, Ale-coners, Sidemen ſhall in their Oaths to the Office be charged to preſent Offences againſt 1 *Jac. cap.* 9. 14 *Jac. cap.* 5. 21 *Jac.* 5. *cap.* 7.

None ſhall be impeached on this Statute unleſs preſented within three Months after the Offence committed, and ſhall be but once puniſhed, 4 *Jac. cap.* 5.

The Forfeitures hereby ſhall go to the Poor to be levied, and what other puniſhment, *&c.* See the Stat. *ſupra.*

Every perſon found tipling in an Alehouſe, *&c.* contrary to the Statute, and convened accordingly for inſufficiency to pay the Forfeiture of 3 *s.* 4 *d.* ſhall be ſet in the Stocks for four hours for every Offence, by the Warrant of one Juſtice of the Peace, 1 *Jac. cap.* 9.

Officers neglecting to levy the Forfeitures of an Alehouſe-keeper, *&c.* for their Meaſure, or tipling in their Houſes, or for not certifying the default of Diſtreſs, ſhall either of them for every ſuch neglect pay 40 *s.* to the uſe of the Poor, to be levied by Diſtreſs, by Warrant of one Juſtice; which if not replevied within ſix days, ſhall be ſold; and for want of Diſtreſs is to be committed to Priſon until he pay, 1 *Jac. cap.* 9.

Officers neglecting to execute Warrants againſt the Offenders in Drunkenneſs ſhall forfeit 10 *s.* to be levied as aboveſaid, 4 *Jac. cap.* 5.

Common Inholders or Alehouſe-keepers refuſing to lodge a Traveller may be compelled thereunto by a Juſtice or Conſtable, 5 *Ed.* 4. 3. but he is not compellable hereunto unleſs the Traveller ſhall firſt pay him for ſuch Victuals or Lodging, and if the Mony be tendred, remedy againſt the Inn-keepers is either by Indictment, or Action upon the Caſe.

None can keep an Alehouſe without Licence of two Juſtices of the Peace at leaſt, whereof one of them being of the *Quorum*, and they muſt take Recognizance againſt unlawful Games, and for keeping of good Order; therefore if two Juſtices allow more than are needful, or ſuch as are ſuppreſſed, they muſt be puniſhed for ſo doing; ſuch Recognizance but twelve pence, which the Juſtice ſhall certifie to the next Quarter-Seſſions on pain of five Marks. Two ſuch Juſtices may ſuppreſs any Alehouſe whatſoever at their diſcretion.

The Juſtices of the Peace have power in the Seſſions to hear and determine the breach of ſuch Recognizances; and Alehouſes, thus diſcharged ſhall not be allowed again but in open Seſſions, *Per Warburton.*

Two Juſtices, one being of the *Quorum*, may commit for three days without Bail, ſuch as ſell Ale or Beer without Allowance, and before deliverance they ſhall give Recognizance with two Sureties not to keep an Alehouſe, which being certified to the next Quarter Seſſions ſhall be a Conviction without farther Tryal, and thereupon a Fine of 20 *s.* ſhall be aſſeſſed.

There is no Licence requiſite for any that ſell Beer or Ale in any place where Forces are kept, 5, 6 *Ed.* 6. *cap.* 25.

Every perſon keeping an Alehouſe not licenſed ſhall forfeit 20 *s.* to the Poor of the Pariſh, the ſame being viewed by any one Juſtice, Mayor, *&c.* or proved by two Witneſſes, 3 *Car. c.* 3. ſuch Juſtices or Officers may make Warrant to the Conſtable, *&c.* to levy the ſaid 20 *s.* dy Diſtreſs, which after three days ſhall be appraiſed and ſold, *Ibid.* If no ſufficient Diſtreſs be, two Juſtices, *&c.* may commit the Offender to the Conſtable to be whipped, and the ſaid Juſtices may commit the Conſtable without Bail for his neglect herein, until he puniſh the Offender, or pay 40 *s.* to the uſe of the Poor, *Ibid.*

2. Unlicenſed Alehouſe-keepers for their ſecond Offence ſhall be committed to the Houſe of Correction, during one Month.

3. And for every Offence after to the Houſe of Correction until he be delivered by the Quarter Seſſions, *Ibid.* But he ſhall not be twice puniſhed for the ſame Offence.

The Husband is puniſhable where the Wife keepeth an Alehouſe without Licence, and it ſeems the Wife alſo. But the Statute allows Common Victualling in Fairs without Licenſe, 3 *Car. cap.* 4.

Brewers delivering Ale, *&c.* to any unlicenſed Alehouſe-keeper ſhall forfeit 6 *s.* 8 *d.* 4 *Jac. cap.* 4.

The ſame Law is for an Alehouſe unlicenſed which ſhall break the Aſſize or keep ill Orders, as for Perſons licenſed, as alſo for Perſons tipling in ſuch an Houſe as in the other.

Two Juſtices may licenſe Labourers to remain in an Inn, 4 *Jac. cap.* 9. Inn-keepers may be dealt withal as Alehouſe-keepers, either with or without Licence, or may be indicted at the Seſſions, *See the Commiſſion.*

An Inholder letting his Beer to his Tapſter for 14 *s. per* Barrel, he himſelf paying but 8 *s.* is indictable.

Inns erected ſince 5 *Ed.* 6. *cap.* 25. ought to be licenſed, but Inn-keepers muſt enter into Recognizances as Alehouſe-Keepers ought to do; but it ſeems of ancient Inns before that time it was otherwiſe. *Dalt.* 32.

It

It was the Opinion of Sir *James Ley* at Lent Assizes, 1621. That Inns were Hostelries at the Common Law, and that every Man of good Fame, and honest Conversation might erect and keep them, provided they be in convenient places; and also if such Inns, or Hostelries be used *ad nocumentum populi Dom. Regis, &c.* do keep disorderly Houses, or that they be more in number than is needful, or to the hindrance of more ancient Inns, they may be indicted at the Assizes or Sessions, and there fined and suppressed; and this he said was the Opinion of all the Judges. The same Law seems to be for Taverners, and Alehouses where they are too numerous, and this was complained of by King *James* in the *Star-Chamber*. *Dalt.* 32.

The keeping of an Alehouse, Tavern, *&c.* by any Serjeant, Bayliff or other Minister is mischievous and to be suppressed, and this is usually practised in the Kings Bench, *vid. the Stat.* 22, 23 *Car.* 2. *cap.* 20. Against carrying persons arrested into Alehouses or Taverns to their Charge.

That no Victualler ought to sell Victuals, so long as he is in his Office. Alehouse-keepers in several Cases are disabled for three years from keeping of a Victualling House by the above mentioned Statutes of King *James*, which you may see at large.

CHAP. XIV.

Of Armour.

Persons with offensive Weapons in Fairs, Markets or elsewhere in Affray of the Kings People may be arrested by the Sheriff, or other the Kings Officers, and every Justice upon View or Complaint thereof may cause them to be stayed and bound to the Peace or Good Behaviour, or else seize their Armour, which every Constable may do, and cause them to be appraised and answered to the King; so of those that carry Guns charged, 3 *Ed.* 3. *cap.* 3. 7 *R.* 2. *cap.* 13. 20 *H.* 2. *cap.* 1. And yet the Kings Servant, in his presence; Sheriffs, and other Officers in executing their Offices, and all other persons in pursuing Huy and Cry may lawfully bear Arms.

Every Subject may arm himself to suppress Riots, Routs, Rebellions, or resist Enemies; but tis safer to assist the Justices or other the Kings Ministers in doing it, *Poph.* 121.

It is High Treaſon in ſuch as agree to arm themſelves, and go from Houſe to Houſe to get Aſſiſtance to pull down Incloſures, *&c.* But if ſuch Perſons have an Intereſt, it amounts but to an high Miſdemeanor, *Idem* 122. See *Papiſts.*

A Man for going ſecretly armed under his Apparel in *Weſtminſter-Hall* was committed to Ward by the Juſtices, and was denyed Bail or Mainpriſe, and forfeited his Armour, *Co. Bail and Mainp. fo.* 23.

Juſtice of Peace may arm himſelf, or any other perſon to ſuppreſs Riots, Rebellion, or reſiſt Enemies, *Poph.* 121.

Juſtice of Peace and other Officers are indempnified for ſeizing of Horſes, Arms, *&c.* 4 *&* 5 *W. & M.*

Any Juſtice of Peace may command Weapons to be taken from ſuch Priſoners as are brought before them.

Any Juſtice of Peace may impriſon all Servants in Husbandry, Artificers, Victuallers or Labourers which ſhall wear any Sword or Dagger, Buckler, (except they be travelling with their Maſters, or being upon their Meſſage) until they find Sureties of the Peace, and take away their Weapons, as forfeited, and preſent them at the next Seſſions, 12 *Car.* 2. *cap.* 2. *Quære*, if this be not repealed by 21 *Jac. cap.* 28. And yet the Juſtice of Peace may do it by the firſt *Aſſignavimus* in his Commiſſion, eſpecially if he ſuſpect any Beach of the Peace to be intended.

CHAP. XV.

Of Arreſt and Impriſonment.

ARreſt and Impriſonment are much the ſame, and ſignifie no more than the reſtraining of a Subject of his Liberty againſt his Will. If a Conſtable, *&c.* have the Warrant from a Juſtice to bring any perſon before him, he ought firſt to require the Party to go before the Juſtice, and if he refuſe, arreſt him; for ſuch requiring is no Arreſt or Impriſonment.

If a Bailiff, *&c.* ſay to a Man, *I arreſt you*, this is a good Arreſt, and if the Party go away it is a Reſcue, 8 *Car. B. R.* Sir *James Wincks* Caſe; but after this he muſt arreſt him if he may, for the Words of the Writ are *Capias, Attachias, &c.* which implies as much.

All ſorts of perſons may be arreſted under the degree of a Peer of the Realm, and that by Warrant of the Juſtice of Peace.

A Feme

A Feme Covert may be committed for a Force or Riot, by a Juſtices Warrant, otherwiſe of Infants in ſuch Caſe, yet for not finding Sureties for the Peace being demanded may be committed.

For breach of a Statute Law.

This Liberty of every Subject is ſpecially favoured by the Common Law, inſomuch that if an Officer (whoſe Actions are favourably to be interpreted) ſhall unduly impriſon any perſon by an uſurped Juriſdiction, it is grievouſly puniſhable, *Magna Chart. cap.* 29. 5 *Ed.* 3. *cap.* 9. *and the Petition of Right.*

None can be arreſted but by Proceſs upon an Indictment, upon an Original Writ at Common Law, or by Matter of Record, and the Proceſs muſt be out of a Court of Record.

Therefore Commiſſions to arreſt Men were held to be againſt Law.

No Man can be committed to Priſon, unleſs it be by a Judge of Record.

For Miſdemeanours againſt the Kings Peace as Treaſon, *&c.* an Offender may be arreſted by any Perſon by a Warrant in Law, ſo that there be juſt cauſe or lawful ſuſpicion.

A Man who knoweth of a Robbery may arreſt a Perſon by him ſuſpected, and carry him to the Conſtable, if he be to be found, or elſe impriſon him in the Stocks, or if there be none, carry him to the next Conſtable, or elſe to the next Juſtice to be examined, *&c.*

If a Robbery, *&c.* be known to be committed, any one may arreſt a Perſon of ill Fame, and if he reſiſt may juſtifie beating of him.

Where a Perſon ſuſpected of an intended Felony may be therefore arreſted, See 9 *Ed.* 4. *f.* 26. 20 *Ed.* 4. 6. *Finch* 127.

Hue and Cry after *J. S.* or any other Perſon ſuſpected of Felony is ſufficient cauſe to arreſt him though no Felony be committed, *Bro. Falſe Impriſ.* 25.

If a Felony is done, to be in Company of the Offenders is cauſe to arreſt a Perſon; ſo is the living idlely and as a Vagrant, *Bro. Falſe Impriſ.* 22.

If Hue and Cry be levied after a ſtoln Horſe, *&c.* and *J. S.* be taken driving him, he may be impriſoned for it though a Man of good Fame. If a Man be dangerouſly hurt in an Affray any Man may arreſt the Offender.

Park-keepers and their Servants may lawfully arreſt ſuch as hunt in their Parks, or cauſe them to depart, *Lib. Int. Tit. Falſe Impriſ. Dyer* 12.

If a Perſon keep or uſe a Gun contrary to the Statute, any Man may arreſt him and bring him to a Juſtice.

Watchmen

Watchmen may arreſt Night-Walkers, and if they ſuſpect them, juſtifie the detaining them till the Morning, See the Statute of *Winchester*.

Juſtice of Peace and Sheriffs, *&c.* ought not to commit or impriſon any Perſon but in the County Gaol, 5 *H.* 4. 23 *H.* 8. *cap.* 2. A Conſtable regularly ought to impriſon in the Stocks.

A Conſtable by a Warrant from a Juſtice arreſts a Perſon which eſcapes into another County, he may arreſt him there upon freſh perſuit, and bring him before the Juſtice, *Cromp.* 122, 123.

A Perſon taken in Execution eſcapes into another County, yet the Sheriff, *&c.* upon freſh perſuit may take him there, and he ſhall be ſtill in Execution.

The Conſtable carries a Man arreſted for Felony unto the Gaol, and the Gaoler refuſeth him, he may be brought back to the Town where he was taken, and they ſhall be charged to keep him till the next Gaol delivery. Or the Conſtable may keep him in his own Houſe, 10 *H.* 4. *cap.* 7. 1 *E.* 4. *Bro. Falſe Impr.* 25. *f. Eſcape* 8.

When a Statute appoints Impriſonment, but limits no time how long, *&c.* or when to be committed, the Party muſt be ſent to Gaol preſently, and continue there ſo long as the Court ſhall award, 8 *Co.* 119. *Plowd.* 176. *Cromp.* 171.

No Perſons at Common Law could have Irons put upon them, but ſee now the Statute of *Weſtminſter* 2. *cap.* 11. *quod Carceri mancipentur in ferris.* And 7 *Jac.* 4. all Rogues, *&c.* ſent to the Houſe of Correction, may be puniſhed by putting Fetters or Gives upon them.

CHAP. XVI.

Aſſault.

IN Aſſault and Battery all are Principals and no Acceſſories, *Kelw.* 55. *b.*

An Aſſault made upon him that takes my Goods and will not them deliver, is juſtifiable, *Kelw.* 92.

CHAP.

CHAP. XVII.

Of Bailment and Mainprize.

BAilment, Mainprize or Replevin, is the ſaving or the delivery of a Perſon out of Priſon that hath ſatisfied the Law, *ſc.* by finding Sureties, and to anſwer and be juſtified by the Law, 22 *H.* 6. *Bro. Surety* 8. *and Mainprize* 89.

If Mainpernors doubt that their Priſoner will fly, they may bring him before a Juſtice, who ſhall commit him and diſcharge them, ſo it ſeems of a Perſon bailed.

For want of taking ſufficient Bail, the Juſtices are fineable, if it can be tendred and refuſed, they ſhall be grievouſly amerced in caſe when it is grantable, 3 *Ed.* 1. *c.* 15. 23 *H.* 6. *c.* 10. On the other ſide where a Perſon is not bailable, if he be let to Mainprize, it is a negligent Eſcape, and fineable as before, 25 *Ed.* 3. *f.* 39. and ſee *Stamf.* 33, and 79.

If any Sheriff, Conſtable, *&c.* ſhall bail any Perſon in their Cuſtody not bailable, and being convict thereof, he loſes his Fees and Office for ever; but if an Under-Sheriff, *&c.* ſhall do ſo without his Maſters knowledge he ſhall be impriſoned for three years, and fined at the Kings pleaſure, 3 *Ed.* 1. *cap.* 15. *Doct. & Stud.* 135.

Note, Officers which let to Bail contrary to 3 *Ed.* 1. *c.* 15. ſhall be puniſhed by the Juſtice of Gaol-delivery either according to the Statute or at Common Law.

Juſtices and Coroners within *London* and *Middleſex*, and Towns Corporate, have power to bail Felons, *&c.* as they have formerly accuſtomed, 1 *&* 2 *Ph. & Mar. c.* 13. *Co.* 100.

The Authority of Juſtices bailing.

It is held by the Authority of 27 *H.* 6. *f.* 1. that if a Sheriff, *&c.* ſhall bail a Perſon not bailable the Recognizance is void.

No perſon arreſted for Manſlaughter, Felony or ſuſpicion thereof, ſhall be let to Bail by any Juſtice but in open Seſſions, or by two of them at the leaſt, *Quorum unus*, and both muſt be preſent at the time of Bailment, 1, 5 *Ph. & Mar. cap.* 15.

The Juſtice which commits a Priſoner ought to ſhew in the *Mittimus* the Cauſe thereof, that it may appear whether bailable or not.

Where one is bailable by Law, Action lies againſt the Juſtice of Peace that committed him, *Styles Rep.* 182.

One

One found guilty of Manſlaughter by the Coroners Enqueſt denied to be bailed in the *Kings Bench*, 1 *Rol. Rep.* 268.

One *Herbert* was bailed for Murther, *Latch. fo.* 12.

One outlawed of Murther bailed, *Styles* 93.

Two ſuſpected of Murther bailed, *Styles* 96.

One for ſuſpicion of Treaſon bailed, 2 *Sid.* 179.

It doth not oblige the Juſtice of Peace to ask the Parties if they have Bail, *Noy* 70.

What Perſons bailable at the Common Law.

In the four Caſes following a Perſon is not bailable at Common Law, See *Weſtm.* 1. *cap.* 15. *Bro. Mainpriſ.* 47. *N.B.* 66. *E.*

1. A Perſon taken for the death of a Man. *ſc.* Murderer, or any other Homicide. See now *Stat.* 1 *&* 2 *Ph. & Mar. c.* 15. which admits Bail for any Homicide except Murder.

But the Juſtices cannot bail a Manſlayer if he confeſs the Offence to be taken in the manner.

2. No Perſon taken by the Kings Commandment is bailable, but this is when a Perſon upon his meer motion is impriſoned, *Stamf.* 72. *Bro. Mainpriſe* 37, 47.

3. Perſons taken by the Commandment of the Kings Juſtices, and this muſt be meant of their abſolute Commandment for Miſdemeanours in their preſence, *Stamf.* 73.

4. Treſpaſſers in the Foreſt that was remedied by 1 *Ed.* 3. *cap.* 8. and 7 *R.* 1. *cap.* 4. And now by the Statute of 1 *&* 2 *Ph. & Mar. cap.* 15. it is provided that no Juſtice of the Peace, ſhall let to Bail contrary to the Statute of *Weſtm.* 1. *cap.* 15. by which Statute theſe Perſons following are not bailable.

1. One that hath abjured the Realm. 2. An Approver. 3. One appealed by the Approvers, ſo long as the Approver lives, unleſs he be of good Fame, or that the Approver wave his Appeal or be vanquiſhed, *Stamf.* 74. 25 *Ed.* 3. *f.* 42. 4. He that is taken for the burning of an Houſe. 5. One taken by an *Excommunicato Capiendo.* 6. One taken with the Manner. 7. A Thief openly defamed and known. 8. All Perſons outlawed, unleſs in ſome Caſes ſuch may be bailed by the Court, *Stamf.* 74. 9. One that hath broke Priſon. 10. Impriſoned for Treaſon touching the King himſelf. 11. One taken for falſifying the Kings Monies. 12. He which conterfeits the Kings Seal, *Bro. Mainpriſe* 59. 13. Such as are taken for a great and manifeſt Offence as one indicted and impriſoned for a Riot, *&c.*

By the aforeſaid Statute Perſons are bailable in the ſix enſuing Caſes.

1. One taken or indicted for a light ſuſpicion of Felony, *Lamb.* 335. *F. N. B.* 249. *q.* 250, 251. *f.* unleſs he be of evil

evil Fame, or that there be ſome ſtrong preſumption againſt him, *Stamf.* 74.

2. Taken or indicted for Petty Larceny, if not guilty of ſome Larceny before, *Fitz. Mainpriſe* 2. *Fitz.* 250.

3. Such as be indicted for Larceny before Sheriff, Coroner, *&c.* or in ſome baſe Court, *Fitz. Mainpriſe* 2. If likewiſe of good Fame, *Stamf.* 47. *Fitz.* 247. and 250. *Bro. Mainpriſe* 97.

4. One indicted before the Coroner for killing a Man *Se defendendo* was bailed by the Juſtices of Gaol delivery. A Murderer Indicted at the Kings Suit and acquitted within the year and day ſhall be either committed to Priſon or bailed until the year and day be paſſed, that the Wife or next Heir may bring their Appeal within that time, 3 *H.* 7. *cap.* 1. *& Fitz.* 251. *G.*

A Convict of Felony, and remaining in Priſon, obtains the Kings Pardon, the Juſtices of the Gaol-delivery may bail him, if he may come in with his Pardon at the next Gaol-delivery, *Bro. Mainpriſe* 94.

5. Such as are charged with the Receipt of Theives, Felons or of Command, or Force or Aid in Felony done, be bailable, *Stamf.* 71. *Bro. Mainpriſe* 11, *&* 39, 58.

It ſeems that Abettors, Conſentors, Procurers and all Acceſſories to Felony bailable are within the Equity of this Statute, as well in the Caſe of Murder as otherwiſe. But after the Principal is attainted they cannot be bailed, until after they have come in and pleaded, for when he makes default it is in nature of a *Fugam fecit*, and a great cauſe of Suſpicion, which when he appears is taken away, and ſo he becomes bailable, *Stamf.* 71. *Bro. Mainpriſe* 6, 9, 22, 54, 64, 77.

If *I.* be Acceſſory to two, and but one Principal in Attaint, *I.* ſhall not be bailed.

If the Principal in Felony die in Priſon or be attainted of another Felony the Acceſſory is bailable, *Fitz. Coron.* 678. *Bro. Mainpriſe* 91.

6. Perſons indicted of any Treſpaſs not concerning Life or Member are bailable.

A Perſon impriſoned by a Proceſs from the Seſſions is bailable by two Juſtices (1 *Quorum*) out of-Seſſions, *Lamb.* 337.

Juſtices of Peace can bail no Priſoner, but ſuch as is committed for Cauſes which may be heard and determined before themſelves.

See the excellent Statute made 31 *Car.* 2. *cap.* 2. in favour of the Liberty of the Subject appointing how, and in what Caſes,

Caſes, when and by whom Priſoners ſhall be bailed or diſcharged; but this concerns not the Juſtice of Peace.

Where Bail is taken away by Statute.

Alehouſes without Licenſe ſhall be committed without Bail; ſo if they have been ſuppreſſed, *Vid. Tit.* Alehouſes.

Such as ſhall ſuffer Townſmen to continue tipling in their Houſes, or ſuch as ſhall ſell leſs than is appointed by the Stat. 1 *Jac. cap.* 9.

Perſons convict upon the Statute of *Northampton*, ſuch as ſhall procure another to be arreſted in the Name of a third perſon not knowing thereof, 8 *Eliz. cap.* 2.

Petty Jury attaint of receiving Monies, *&c.* 12 *H.* 7. *c.* 22.

Mother or reputed Father of a Baſtard-Child not performing the Juſtices Order after notice, See *Tit.* Baſtard.

Surveyors, *&c.* for repairing of Bridges, if they refuſe to account, 21 *H.* 8. *cap.* 5.

Perſons conſpiring to indict another of Felony, *Fitz. Mainp.* 7.

Conſtable, *&c.* not levying the Forfeitures for abuſes in an Alehouſe, *&c.* 1 *Jac. cap.* 9.

Conſtables neglecting to execute the Juſtices Warrant concerning Alehouſes, *&c.* 3 *Car.* Conſtables neglecting to whip Treſpaſſers in Corn, Wood or Orchard, *&c.* 23 *H.* 6. *cap.* 10.

Refuſers to be Overſeers of Cloth, *Vid. Tit.* Cloth.

Such as are convicted of making deceitful Cloth, *Ibid.*

Perſons convicted for unlawful hunting of Deer, *&c.* 5 *Eliz. cap.* 21.

Diers uſing Logwood and thereof convict, 39 *El. cap.* 11.

Deſtroyers of Ponds, Pools, *&c.* where Fiſh are kept, or unlawful Fiſhers in the ſame. Gagers, Packers, Searchers of Fiſh, 11 *H.* 7. *cap.* 23.

Foreſtallers, Regrators, Ingroſſers, 5 *Ed.* 6. *cap.* 14.

Forgers of any Deed, the Aſſenters thereunto, and Publiſher thereof, knowing the ſame, 5 *Eliz. cap.* 14.

In fraudulent Conveyances the parties thereunto, the Juſtifiers thereof, and ſuch as put the ſame in ure or aſſign over ſuch Lands, *&c.* knowing the ſame, 13 *Eliz. cap.* 5. 14 *Eliz. cap.* 11. 27 *Eliz. cap.* 4.

Unlawful Games, the Maintainers of Houſes for ſuch; The Players in the ſame or elſewhere, 33 *H.* 8. *cap.* 9. *Vid. Tit.* Games. Such as ſhoot in, keep, carry or uſe any Guns, *&c.* 33 *H.* 8. *cap.* 6.

All Perſons which ſhall ſhoot at any Hare with a Gun, *&c.* or trace in the Snow, or deſtroy Hares with any Engin.

Hatters which ſhall take above two Apprentices, or for leſs than ſeven years, 8 *Eliz. cap.* 11.

Takers

Takers of Hawks or their Eggs out of another Mans Grounds, 5 *Eliz. cap.* 21.

Hawkers between the firſt of *July* and the 31ſt of *Auguſt*, 7 *Jac. cap.* 11.

Bayliffs and High Conſtables not paying the Forfeitures concerning High-ways collected by them, 2 *Ph. & Mar. cap.* 8.

Hoſtlers or Inn-keepers which ſhall make any Horſe-bread or not ſell the ſame, *&c.* for reaſonable Gain contrary to the Statute, 21 *Jac. cap.* 21.

Hunters, *&c.* for any Deer or Conies contrary to the Statute, 5 *Eliz. cap.* 25. 3 *Jac.* 17. 7 *Jac. cap.* 13.

Labourers and Artificers departing from their Work before it be finiſhed, 5 *Eliz. cap.* 4.

Servants departing before their Term be ended without leave of a Juſtice, or at the end of the Term without a Quarters Warning.

Perſons compellable to ſerve, refuſing ſo to do, for Wages rated by the Juſtice, or which have promiſed to ſerve and not perform.

Perſons refuſing to be bound Apprentice according to the Statute, *Ibid.*

Single Women between the years of twelve, and under forty years, which ſhall refuſe to go to Service, *Ibid.*

Such Maſters as ſhall give a Servant or Labourer, which ſhall take Wages, *&c.* contrary to the Rates aſſeſſed by Proclamation, *Ibid.*

Maſters hiring Servants for leſs than one year, or which have departed out of Service without Teſtimonial, *Ibid.*

Maſters taking Apprentices contrary to this Statute, *Ibid.*

The Defendant in Appeal of Maim where the Fact ſeems to be heinous, 6 *H.* 7. *f.* 1.

Perſons diſobeying the reſtraint of Malting, 30 *Eliz. cap.* 6.

Refuſers to take the Oath of Allegiance lawfully tendered, *Vid. Tit.* Oath and Recognizance.

Such Perſons as ſhall ſhoot at or kill, *&c.* with any Gun or Bow any Partridges, *&c.* or with Setting Dogs or Engins, or ſhall deſtroy their Neſts or Eggs, or keeping any Setting Dogs or Net, *&c.* except they have an Eſtate, *&c.* 1 *Jac. cap.* 27.

Perſons convict on 11 *H.* 8. for taking the Eggs of any Swan out of the Neſt.

Perſons perjured in Depoſitions in a Court of Record, or in a Court Baron; ſo are the Procurers, 14 *Eliz. cap.* 11.

Perſons committed by the Preſident of the Colledge of Phyſicians, 1 *Mar. cap.* 9.

Refuſers

Refuſers to pay Rates for the Relief of Perſons infected with the Plague, *Vid.* Plague.

Refuſers to pay their Rates to the Poor, ſetting them on Work, or binding out of Apprentices, 43 *Eliz. c.* 2. *Vid.* Poor.

Overſeers refuſing to make their Accounts, or to pay Arrearages, or be negligent in their Office, *Ibid.*

The Grand-Father or Grand-mother, Parents, Children refuſing to relieve one another, *Ibid.*

Refuſers to pay the Rates to the Relief of Priſoners in the *Kings-Bench* or *Marſhalſey*, *Ibid.*

Such as offend againſt the Statute, 1 *Eliz. cap.* 2. for Uniformity of Common Prayer, *&c.*

Diſturbers of Preachers, *&c.* their Aiders and Procurers, any that reſcues ſuch Offenders or hinders the arreſting of them, 1 *Mar. cap.* 3.

Such as divulge vain Propheſies to make diſturbance, 5 *Eliz. cap.* 5.

Perſons ſuſpected to be Jeſuits, Seminaries and refuſing to anſwer, 35 *Eliz. cap.* 2. 2 *Jac. cap.* 4.

Woman Recuſant Convict and not conforming her ſelf, *Vid. Tit.* Recuſants.

Feme Covert refuſing at the Aſſizes or Quarter-Seſſions to take the Oath of Allegiance, 7 *Jac. cap.* 4.

A Maſter of a Ship permitting any Child to paſs over the Sea without Licenſe, 1 *Jac. cap.* 4.

Recuſants refuſing to declare what Armor, *&c.* or to deliver the ſame, 3 *Jac. cap.* 5.

Recuſants, *&c.* which impugne the Kings Authority Eccleſiaſtical, or perſwading others thereto, or meet at Conventicles, or perſwade others ſo to do, 35 *Eliz. cap.* 5.

Perſons abſenting from Church, and having nothing to be diſtrained, 3 *Jac. cap.* 4. 23 *Eliz. cap.* 1.

Perſon convict of *Rediſſeſin*, *Morton cap.* 3.

Schoolmaſters not allowed by the Ordinary, and Perſons keeping of a Schoolmaſter abſenting from Church, 23 *Eliz. cap.*

Sheriffs not electing Knights of Parliament in full County between the Hours of Eight and Eleven in the Fore-noon, 8 *H.* 6. *cap.* 11. 23 *H* 6. *cap.* 15.

Sheriffs making Return contrary to the ſaid Statute, *Ibid.*

Sheriffs, *&c.* making any Warrant for arreſting, *&c.* of any Perſon to appear in any Court not having the Original Writ or Proceſs, 43 *Eliz. cap.* 6.

Souldiers purloyning their Horſes or Harneſs, 2 *Ed.* 6. *c.* 2.

Refuſers to pay their Rates to the Stock of the Shire, and having nothing to be diſtrained, 43 *Eliz. cap.* 2.

Defendant

Defendant in Suit for Tythe, which disobey the Sentence, 27 *H.* 8. *cap.* 32 *H.* 8. *cap.* 7.

Such as counterfeit the Marks of Vessels of Wax or Hony, 23 *Eliz. cap.* 8.

Conjurers, *&c.* which shall undertake to discover any Treasure lost or stolen, which provoke any Person to love, or shall hurt any Cattle or Ground, 1 *Jac. cap.* 21. 4 *Ph. & Mar. cap.* 8.

Such as shall take Women unmarried and under the Age of sixteen years out of the Possession of their Parents, and against their Will; that shall deflower such Maiden, or contract Marriage with her against her Will, now such Marriage is made Felony without Benefit of Clergy at Common Law, *&c.*

At Common Law, the Sheriff and Constables, as Conservators of the Peace, might have bailed one suspected of Felony; this Power is taken away and given to the Justice by the Statute following. Every Justice might bail such Persons at his discretion, by the Statute 1 *R.* 3. *cap.* 3. which for the abuse of it was altered by 3 *H.* 7. *cap.* 3. and thereby two Justices, one being of the *Quorum*, were enabled to bail Persons Mainpernable to the next Sessions or Gaol-delivery; afterwards by the Statute 1 *& 2 Ph. & Mar. cap.* 3. it was provided that it be for Manslaughter or Felony, or suspition of either, then two Justices must be present together, at the time of the Bailment, which they must certifie to the next Gaol-delivery; if they do not, to be fined there; but Criminals for Offences under Felony, one single Justice may bail.

Convict of Felony is not bailable, nor is it safe for Justices of Peace to bail where the person is but suspected of Felony, but this is at their discretion, *Dyer* 177. *pl.* 63. *Poph.* 96.

The Bail in Murther, Felony, *&c.* may keep the Murtherer, Felon, *&c.* as a Prisoner till the day of Appearance; For the Bail is *Corpus pro corpore*, and the Bail must render themselves if the Murtherer, Felon, *&c.* escape. *Bulstr.* 70. *Hetly* 157.

If an Indictment be removed by *Certiorari*, and no Bail put in above, the Court below may proceed without a *Procedendo*, *Styl.* 321.

If Proceedings be removed by *Certiorari*, and after sent back by a *Procedendo*, yet the Bail is for ever discharged, *Co. Bail and Mainprise fo.* 26.

Vid. Tit. Certiorari.

CHAP. XVIII.

Of Barretors.

BArretor cometh from the *French* (*Barras*, id eſt *aſtutia*) and in Law ſignifies a Common Wrangler whom every Juſtice may bind to the Peace or Good Behaviour, 9 *Ed.* 4. *cap.* 5. he is a common ſtirrer up of Suits in Court, or Quarrels in the Country, *Co. Lit.* 368. *Hut.* 104. *Cro. Car.* 192.

As if in any Court Perſons by Fraud or Malice maintain or ſtir up multiplicity of feigned Suits or Informations, or maliciouſly purchaſe a ſpecial *Supplicavit* to get a Compoſition.

As for the Purpoſe in the County, which is of three ſorts. 1. By Quarrelling or Fighting in their own Cauſe. 2. Takers or Obtainers by Force or Subtlety of Lands or Goods in queſtion. 3. Inventers or Reporters of falſe Reports; a Feme Covert cannot be guilty of Barretry, 2 *Rolls Rep.* 39.

1. Any Offenders herein are puniſhable, by Fine and Impriſonment, and may be bound to the Good Behaviour.

2. An Indictment was *Communis Barrettor*, where it ſhould have been *Barrettator*, and quaſhed for that, 20 *Jac. Sports* Caſe.

4. Although this be an Offence of a complicate nature, yet a place muſt be aſſigned for the neceſſity of Trial, 1 *Rolls Rep.* 95.

4. This Offence being mixt, the Juſtices cannot puniſh it by virtue of their Commiſſion general, but in reſpect of the Clauſe therein to puniſh Felonies, *&c.* and therefore upon a *Certiorari* ſuch an Indictment being certified *Capta coram*, &c. *Juſt. Dom. Regis ad pacem*, but *nec non ad diverſa, &c.* being left out, for that Cauſe the *Certiorari* was quaſhed, 2 *Rolls Rep.* 151.

5. Suing in another Mans Name is a ſort of Barretry, and therefore by 8 *Eliz. cap.* 2. he that procureth another to be arreſted at the Suit, or in the Name of another, where no ſuch Perſon is known or without his conſent, on Conviction by two Witneſſes, ſhall be impriſoned ſix Months without Bail, and pay treble Coſts and Damages to the Party.

CHAP.

CHAP. XIX.

Bastardy.

A Bastard is a *French* Word, i. e. *Nothus*, and in legal Latine *Bastardus, id est, triplex manser incestuose natus.* 2. *Nothus ex patre nobili & matre ignobili, id est, Concubinus.* 3. *Spurius, id est, ex matre nobili & patre ignobili.* Such an one is called *terræ filius.*

Cui pater est populus, pater est sibi nullus & omnis,
Cui pater est populus, non habet ille patrem.

Much more may be thus said of Foundlings, where neither of their Parents are known.

Any Justice may bind to the Good Behaviour any Person charged or suspected to have begotten a Bastard Child, that so he may be forth coming when the Child is born; the like may be done afterwards, and before such Order taken.

If by practice and design a Child be born in a Parish, the Parish where the practice was, shall keep the Child, 2 *Bulst.* 341.

If the putative Father run away, any Justice may bind to the Good Behaviour, and to the next Assizes or Quarter Sessions. Such Persons, as shall have any hand in such Practices about it, and at the general Sessions, they may be ordered to contribute towards the Maintenance of the Bastard. The like may be done to the Constable, who shall neglect to apprehend the putative Father, by virtue of a Warrant from a Justice of the Peace, or they may be fined for it. The like Law for such as convey away the Mother, whereby the Child is become chargeable to the Parish.

Two Justices (1 *Quorum*) next to the Parish where the Bastard is born, upon Examination of the Cause, shall take Order for keeping the Child, by charging the Mother or reputed Father with a weekly payment, or other relief, and also for the punishment of them both, 2 *Jac. cap.* 28. 3 *Car. cap.* 3. But such Child must be likely to be chargable to the Parish. See *Stat.* 18 *Eliz. cap.* 3. and 7 *Jac. cap.* 4. From such Order the Party may appeal to the next Sessions whose determination is final; if they make any, but if none be made, *Walter* Chief Baron resolved that no other Sessions could relieve him.

It seems the Mother must be examined upon Oath, and by the Statute of 7 *Jac.* she shall be committed to the House of Correction, but not untill she be delivered, and the Child being alive. If the Mother or reputed Father upon Notice do not perform the Order, they shall be committed without Bail or Mainprise, except they put in Surety to obey the Order, or also personally to appear at the next Sessions and abide the Order thereof, 18 *Eliz. cap.* 3.

A Woman offending the second time, shall be sent to the House of Correction, and also find Sureties for the Good Behaviour, but she must be committed by two Justices, 18 *Eliz. cap.* 3. 7 *Jac.* 4. and the Child remain in the Town where it was born.

Where the Mothers or reputed Fathers leave their Children upon the Parish, the Churchwardens by Warrant of two Justices may take their Goods and Profits of their Lands, and by Order of Sessions sell the same, and take the accruing Rent for and towards the Maintenance of the Child.

An Indictment for a Conspiracy to accuse another with being the Father of a Bastard Child, 1 *Sid.* 68.

To make an Order for Bastard Child two Justices, whereof one to be of the *Quorum*, *Syd.* 222. *Styl.* 154.

An Order made by two Justices for the Maintenance of a Bastard Child by 12 *d. per* Week, as long as the Child shall continue chargeable to the Parish, is good, *Mod.* 20.

A Bastard Child of a Person able to keep it, and not like to be chargeable to the Parish, is not within the Statute of 18 *Eliz. Cro. Car.* 436.

In Case of a Bastard Child they cannot go to the Sessions *per saltum*, *Mod.* 287.

A reputed Father is to be adjudged by the two next Justices of the Peace, or the Sessions, *Cro. Car.* 436.

You cannot proceed upon the Statute of 7 *Jac. cap.* 4. against a Woman that had a Bastard for the second Offence unless she be punished for the first Offence, 2 *Bulst.* 349.

If the Father of a Bastard Child dies poor, the Mother must provide for the Bastard, if able, and if not, the Town where last setled, 2 *Bulstr.* 250. 18 *Eliz. cap.* 3. and 7 *Jac.* 4.

If the two next Justices make no Provision for the Bastard, the Sessions must settle it, as the two Justices ought to have done, *Sir.* 930.

The Justices of Peace Order must be paid Weekly and not Monthly, 1 *Syd.* 222.

Sessions cannot originally make Order to keep a Bastard, but it ought to be made by the two next Justices to the place where the Child was born, *Styl.* 475.

The

The two next Justices are not to commit for not obeying their Order, but to take Bond for Appearance at Sessions, 2 *Bulst.* 342.

If Justices make Order, and the Party refuses to perform it, or enter into Bond to appear, they may commit him without Bail, 2 *Bulstr.* 341.

Neither Sessions nor Assizes can meddle touching Bastardy, but upon Appeal, 2 *Bulstr.* 293.

CHAP. XX.

Bankrupt.

IF any Bankrupt be found upon Examination, to have fraudently conveyed his Land, Goods, Fees, or any Estate to the value of twenty pounds, thereby to delay his Creditors, and hinder the Execution of the Statute, and will not make discovery; and if it be in his Power, deliver a particular thereof to the Commissioners, or shew them some casual Cause, whereby he is disabled to pay his Debts; for this he may be Indicted at the Sessions of the County where he became a Bankrupt, and there upon Conviction, to be set in the Pillory for two hours, and to have one of his Ears nailed thereto, and cut off, 21 *Jac.* 19.

CHAP. XXI.

Battery.

JUstice of Peace may not hear and determine Battery the same day, 1 *Syd.* 335.

CHAP. XXII.

Brewers and Bakers.

A Baker not observing the Assize of Bread, shall be set in the Pillory, 31 *H.* 1. *cap.* 7.

Brewers breaking the Aſſize for the firſt and ſecond Offence, ſhall be amerced; for the third ſhall be ſet in the Pillory, *Ibid.*

No Brewer ſhall be a Cooper, 23 *H.* 8. *cap.* 4. But the Juſtices have nothing to do, for the ſuing the Penalties upon the Statute; yet Majors and Juſtices may aſſize the Prices for the Ale and Beer. A Brewer brewing Beer with corrupt Hops, or mixt with Powder, Duſt or Soil, forfeits the value of the Hops, 1 *Jac.*

Juſtice of Peace may commit a Brewer for not paying the Duty of Exciſe, *Mod. Rep.* 102.

Indictment againſt a Brewer for ſelling Ale to an unlicenſed Alehouſekeeper, 29 *Car.* 2. *B. R.*

Brewers are no Victuallers within the Statute of 21 *H.* 8. *cap.* 4. *Cro. Car.* 113.

Information upon the Statute of 5 *Eliz. cap.* 4. againſt a Brewer, *Cro. Jac.* 178.

None ought to be a Common Baker or Brewer unleſs he has been an Apprentice ſeven years, 12 *Co.* 12.

If a Brewer brews with Molaſſes, Sugar, Hony or Extract of Sugar, ſhall forfeit the Liquor and 100 *l.* to be recovered by Action or Information in any Court of Record, *Stat.* 1 *W. & M.*

CHAP. XXIII.

Bridges.

WHere a Bridge is decayed, and it cannot be known, what Lands are chargeable towards its Reparation, four Juſtices, whereof one of them being of the *Quorum*, within that Shire, if out of City or Town Corporate, if within, four Juſtices thereof may call before them the Conſtable or two of the Inhabitants, and thereupon tax every Inhabitant for a reaſonable Sum for repairing the Bridge and High-way adjoyning for the ſpace of three hundred Foot, 22 *H.* 3. *cap.* 5. after this, they ſhall cauſe the Names of each Perſon ſo taxed, to be written in a Roll indented.

And alſo make two Collectors of every Hundred, who taking the Names off of the Rolls, ſhall collect and diſtrain the Refuſers; they ſhall likewiſe appoint two Surveyors from time to time to ſee Reparations done, and to theſe the Collectors ſhall pay their Mony.

The

The Collectors and Surveyors, ſhall make a true Account to the Juſtices, who upon refuſal thereof ſhall iſſue their Proceſs againſt them, returnable at the next Seſſions; The Juſtices are to allow them their Coſts and Charges.

If a Bridge be wholly in a Corporation, the Shire at large ſhall not be charged; but if wholly without, the Corporation ſhall not be charged; if part be within and part without, every of them ſhall be charged to its own part.

Lands adjoyning to a Bridge are not liable *de jure* to the Reparations of it, but the whole County are.

Where Lands are chargeable with Reparations, the Occupiers are liable *pro rata*.

Whoever is chargeable to the Repairs of Bridges may have his Stones and Timber, *&c.* upon the Lands adjoining, 43 *Aſſ.* 3. *Fitz.* 4. *Aſſiſe* 353. and he muſt repair the Way at each end thereof, *Cromp.* 186. *b.*

Defects of Repairs of Bridges ſhall be preſented in the County only, 22 *Car. cap.* 2.

Lands given to the Repair of Bridges ſhall be let to the beſt improved Rent without Fine, and on default of the Truſtees, the Juſtices may enquire of the value, and improve and imploy ſuch Lands, *Ibid.*

Of common Right all the County ſhall be charged to the Reparation of a Bridge, 13 *Co.* 33. Unleſs ſome are to repair them by reaſon of ſome Tenure, *Rolls Abr.* 368.

He that hath Toll of them that paſſes over a Bridge ought to repair it, 13 *Co.* 33.

If one erects a Mill for his private Profit, and makes a new Cut for the Water to come to it, and a new Bridge over that Cut where the Kings Subjects paſs and repaſs, it muſt be repaired by thoſe that have the Mill, and not the County; for it was erected to ſerve a private end, though neceſſary for the publick uſe, *Rolls Abr.* 368.

Though the King pardon the Indictment, yet the Offence remains, and the Party that by reaſon of Tenure, Toll, *&c.* ought to repair, muſt ſo do notwithſtanding the Pardon, for that diſcharges only the Fine, 12 *Co. f.* 29.

One takes up a Bridge by Command of another, both are indictable, 4 *Leon.* 42. *pl.* 114.

No Town or Freeman ſhall be diſtrained to make Bridges nor Banks, but ſuch as of old time and of right have been accuſtomed, 9 *H.* 3. 15. 2 *Inſt.* 29.

Conſtable not bound to repair Bridges, *Trin.* 13 *Car.* 2. in *B. R.*

CHAP. XXIV.

Burglary.

THE Word comes from the *French* Word *Burgh* a Farm-house, and *Laron* a Thief, and signifies no more than the robbing of an House; but in our Law it is taken to be where a Person in the Night enters a Dwelling House, Church or Walls of a City feloniously, although he do not commit the same, *Dyer* 99. *Stamf.* 30. *Fitz. Coron.* 185, 264.

It must be committed in the Night, for the Indictment runs *quod nocturnanter fregit*, which is between Sun setting and Sun rising*; the Indictment goes farther *quod fregit & intravit*; and yet if the Thief put back the Leaf of a Window, draw the Latch of the Door, turn the Key, or break the Glass-Windows and draw out any Goods thence, it is an Entry in Law.

So setting Foot over Threshold, putting Hand, Hook or Pistol within Window or Door (the Door lockt within) is Burglary. Entring an House (Doors open) a breaking, but no Burglary. So to enter an House through an hole made before; but a going down a Chimney to rob is Burglary, See *Anders.* 114. *Poph.* 42. *Moor* 660.

A Servant draws the Latch of his Masters Chamber, and enters in the Night with an intent to kill and wound, it is Burglary, *Hutt.* 20.

Robbing a Shop distinct from the House in the Night is no Burglary, *Hutt.* 33.

The Jury cannot find one guilty of Burglary and another of Felony upon the same Indictment, 1 *Syd.* 171.

To open the Casement and take Goods thereout, Burglary, *Savil* 259.

An Indictment for a Burglary is not good if it doth not say *Nocte talis diei burglariter*, *Savil* 47.

If upon an attempt of Burglary, they within cast out their Mony, and the Attempters take it, it is Burglary; so likewise it is to come into the House by the help of a Key.

If a Thief pretending he is robbed, take a Constable to search for the Felon in the Night time, and whilst he is so doing, rob the House, it is Burglary.

So if a Servant open the Door or Window in the Night to the Thief, at which he entreth in, this is Burglary in him that so entreth.

If

* *Night is generally received to be in opposition to Day, when the Countenance of a person cannot be discerned*, Dalt. 99. Co. Pl. Cor. c. 14.

If a Thief in the Night time, findeth the Door open and robs the Houſe, and being ſet, breaks a Door to eſcape, it is Burglary, *Ba.* 65.

But if one come to my Houſe in the day time, and there hideth himſelf until Night, and then robbeth me, it is no Burglary.

If divers come in the Night time to break my Houſe, and but one of them enters, the reſt watching in the mean while, it is Burglary in them all, 11 *H.* 4. 3.

It was reſolved by all the Judges, *Term. Paſch.* 39 *El.* That the breaking of an Houſe in the Night time with an intent to commit Felony, is Burglary although no Perſon be in the ſame; for a Man ought to be in ſafety in the Night time as well for his Goods as his Perſon.

If a Perſon and his Family be out of his Houſe part of the Night, or have two Dwelling-Houſes, and be in his other Houſe at which time his Houſe is broken up, this is Burglary, 4 *Co. fo.* 40.

If a Chamber in an Inns of Court, a Colledge or Inns of Chancery be broken open in the Night, no Perſon being therein, yet if it be inhabited at the ſame time, it is Burglary, *Crompt.* 35.

A Church, Out-buildings, as Barns, Stables or a Shop Parcel of a Manſion Houſe; but a Booth is not, and to break Glaſs in the Window of a Manſion Houſe in the Night and with Hooks to draw any Goods and ſteal them, is Burglary, though no Perſon be in the Houſe, *Poph.* 42.

If an Hoſt break open his Gueſts Chamber in the Night to rob him, it is Burglary.

The breaking in the Night of a Stable, Barn or Out-houſe, parcel of a Dwelling-Houſe with an intent to ſteal, *&c.* is Burglary, 11 *Co. Lit. fo.* 37. *Bro. Cromp.* 180.

If the intent be to rob or kill a Perſon in the Night, the breaking of the Houſe is Burglary though it be not put in Execution, otherwiſe it is if the intent be but only to commit Treſpaſs.

Clergy is taken away in all Burglary by 18 *Eliz. cap.* 6.

CHAP.

CHAP. XXV.

Burials.

NO Perſon ſhall be buried in any thing made or mixt with Silk, Hair, Gold, Silver or in any thing not made of Woollen, neither ſhall the Coffin be lined with any other matter upon pain to forfeit 5 *l.* to the Poor, to be levied by the Churchwardens by Warrant from any Juſtice or Head Officer, by Diſtreſs and Sale of the Goods of the deceaſed, or in default of the Goods, of any having a hand in putting the Party thereinto, 18 *Car.* 2. *c.* 4. See the laſt Act made 30 *Car.* 2. *cap.* 3. whereby one full Moiety of the Penalty is given to the Informer.

If no Juſtice of Peace in the Pariſh, or not to be found, the Parſon may take *Affidavit* for burying in Woollen. And if no *Affidavit* made, and Parſons Notice, and Certificate to the Churchwarden within three days after the Juſtice of Peace to grant a Warrant for the 5 *l.* to be levied upon the Goods of the deceaſed, 30 *Car.* 2. 32 *Car.* 2. *cap.* 1.

Juſtices neglecting their Duty forfeit 5 *l.* for every Offence, 30 *Car.* 2. *cap.* 3. Suit to be commenced within ſix Months after the Offence.

CHAP. XXVI.

Burning.

WIlfully to burn an Houſe is Felony without Clergy. But it muſt be *Ædes alicujus.*

If I burn an Houſe wherein I am in poſſeſſion by Leaſe tis not Felony, 11 *Co. Rep. f.* 29. *Cro. Car.* 376. *Jones* 351.

CHAP.

CHAP. XXVII.

Butchers.

BUtchers that ſell Swines Fleſh meaſled, or Fleſh that dies of the Murren, ſhall be fined, and for the ſecond Offence to be put into the Pillory, 31 *H.* 8. *cap.* 7.

A Butcher that ſlits an Ox-hide, or any other Hide, forfeits 20 *d.* he that ſells a putrified Hide forfeits 3 *s.* 8 *d.* and kills Beef to ſell under two years old, or Calf under five Weeks 6 *s.* 8 *d.* for every day, *Stat.* 1 *Jac.* *cap.* 22. But the Clauſe as to the Calf is repealed by 22 and 23 *Car.* 2. *cap.* 2. for killing on Sabbath days, *Vid.* Tit. Sabbath. He that buys fat Oxen, *&c.* alive, forfeits every Ox, *&c.* 2 and 3 *Ed.* 6. *cap.* 17. See 15 *Car.* 2. *cap.* 8. *Poſtea Tit.* Cattle.

Butcher indicted for buying and ſelling of Cattle, *Latch.* 192.

No Butcher to ſell fat Cattle to another Butcher alive or dead upon pain of forfeiting the value of them, 22 and 23 *Car.* 2. *cap.* 19.

CHAP. XXVIII.

Butter and Cheeſe.

A Kilderkin muſt contain an hundred twenty two pounds, each pound ſixteen ounces, beſides the Caſk, each Pot four pounds, 14 *Car.* 2. *cap.* 20.

Old Butter ſhall not be mixed with new, no Whey Butter with Cream; all Butter ſhall be ſalted with ſmall Salt, and ſhall have no more than neceſſary, on pain to forfeit the Butter; and where the Kilderkin is not meaſured, ſix times the value of every pound with it, and to the Buyer the value which it ſhall be ſold for.

Every one repacking Butter to ſell again for every Pot or Caſk ſo repacked ſhall forfeit the double value.

All Butter ſhall be packed in good Caſes with a Mark thereon of the Weight, when filled, the firſt Letter of the Packers Name and his Sirname at length, upon pain of 10 *s.* for each hundred Weight, and ſo *pro rata*, a Potter ſhall weigh his Pots ſetting thereon his Name, *&c.* or forfeit 12 *s.* for every

every ſuch Pot; ſo Perſons that ſhall pack Butter in a Pot not marked, *Ibid.*

1. *Stat.* 4 & 5 *W.* & *M. cap.*7. After any Factor or Buyer hath bought Butter or Cheeſe and approved the ſame, the Seller ſhall not afterwards be chargeable with any Penalties in the Act of 14 *Car.* 2. Entituled, *An Act for reforming Abuſes in weighing and falſe packing of Butter.*

2. Such Factor or Buyer ſhall ſet his Seal, or Mark, or Name at length on the Cask in which ſuch Butter is; and in caſe the ſame be afterwards exchanged or opened, and the Cask changed, or bad Butter pack'd up and mixt with good, or any Fraud be committed by the Seller, the Offender being convicted upon Oath before one or more Juſtices of Peace, or upon his own Confeſſion, ſhall forfeit 20 *s.* for every ſuch Firkin and Offence, to be levied by Diſtreſs and Sale of the Offenders Goods, reſtoring the Overplus after Charges defrayed. And Conſtables of Pariſhes and Chief Conſtables of Hundreds are hereby authorized to levy the ſame by Warrant under Hand and Seal of ſuch Juſtice or Juſtices.

3. Warehouſe-keepers, Weighers, Searchers or Shippers of Butter and Cheeſe in any Port within this Kingdom ſhall receive all Butter and Cheeſe that ſhall be brought to them, for any Cheeſemonger free of the City of *London*, or any other making the ſaid Commodities, and take care thereof till the ſame can be ſhipped, and ſhall ſhip it ſucceſſively, as it comes to their Hands, on the next Veſſel that ſhall come to lade Butter and Cheeſe for *London*, (except the Owners order the contrary) and ſhall receive of the Owners 2 *s.* 6 *d.* for every Load, and no more, and ſo proportionably. And if any ſuch Perſons or their Servants ſhall refuſe to receive ſuch Goods, or to take due care thereof, or to ſhip them ſucceſſively as aforeſaid, they ſhall forfeit being convicted in manner aforeſaid, for every Firkin of Butter 10 *s.* and for every Weigh of Cheeſe 5 *s.* to be levied as aforeſaid.

4. Warehouſe-keepers, Weighers, *&c.* ſhall keep Books, and enter therein all Butter and Cheeſe that ſhall be brought to them as it comes, with the time when received, the quantity and Owners Name. And when the Goods are ſhipped off ſhall make Entries of the time when ſhipped, the Maſters Name, the Veſſels Name, and to whom conſigned, which Book ſhall be open for all perſons to ſee and ſearch *gratis*. And if any Warehouſe-keeper, *&c.* ſhall not keep ſuch Book, or not make Entries as aforeſaid, or undue Entries, or refuſe in the day time to produce the Book to be ſearched, ſuch

ſuch Offenders, being convict in manner aforeſaid, ſhall forfeit for every Firkin of Butter 2 *s.* 6 *d.* and for every Weigh of Cheeſe 2 *s.* 6 *d.* and for every other the aforeſaid Offences, 2 *s.* 6 *d.* to be levied as aforeſaid; and for want of Goods to levy the Penalty, the Juſtice before whom ſuch Conviction ſhall be made, may commit the Offender to Gaol till the Penalties be ſatisfied.

5. If Maſters of Veſſels coming to lade Butter and Cheeſe, or their Servants, refuſe to take on board any ſuch Butter and Cheeſe, as ſhall be tendred to be ſhipped by any ſuch Warehouſe-keeper, *&c.* before their Veſſels be laden, they ſhall forfeit, being convict as aforeſaid, for every Firkin of Butter ſo refuſed 5 *s.* and for every Weigh of Cheeſe 2 *s.* 6 *d.* to be levied as aforeſaid.

6. One half of the Forfeitures within this Act to go to the Poor of the Pariſh, and the other half to the Informer.

7. This Act ſhall not exclude Cheeſemongers free of the City of *London* from ſending their own Veſſels, or ſuch as they ſhall hire for their own Goods.

8. Nothing in this Act ſhall extend to the Counties of *Cheſter* and *Lancaſter*, nor to the County of the City of *Cheſter*.

9. Perſons aggrieved by the determination of any Juſtice of Peace may appeal to the next General Quarter Seſſions, whoſe Determination ſhall be final. The Perſon appealing firſt giving to the Party accuſed a Bond of 20 *l.* Penalty with one or more Sureties, to the liking of the Juſtice of Peace, to pay ſuch Coſts as ſhall be allowed in caſe the Appellant be not relieved, the ſaid Coſts to be paid within a Month after the determining the Appeal.

See among the Precedents for a Warrant to levy the Penalties.

CHAP. XXIX.

Buttons.

JUſtices of Peace may grant their Warrants to ſeize Foreign Buttons made of Hair, Silk or Thread, *Stat.* 4 & 5 *W. & M. Vid. poſtea* Hair-Buttons.

CHAP.

CHAP. XXX.

Carriages.

CArriages for their Majesties Service see after amongst the Precedents *Tit.* Souldiers.

Carriages for Souldiers in their March, see after *Tit.* Souldiers.

CHAP. XXXI.

Carriers.

BY an *Act* 3 & 4 *W. & M. for better repairing and amending High-ways*, &c. The Justices at their Quarter or General Sessions after *Easter* yearly may assess the Rates and Prices of Land Carriage of Goods whatsoever within their respective Limits by any Common Carrier, *&c.* and to certifie the Mayors and Officers of each Market Town of the Rates, to be hung up in some publick place, and no Common Carrier to take above such Rates under Penalty of 5 *l.* by Distress and Sale by Warrant of any two Justices, where such Carrier or Waggoner shall reside, to the use of the Party grieved. General Issue and double Costs.

CHAP. XXXII.

Cattle.

NO Person shall buy Oxen, Routs, *&c.* and sell them again, unless he keep them five Weeks, upon pain to lose the double value of the Cattle, one Moiety to the King, the other to the Informer, 5 *Ed.* 6. *cap.* 14.

Drovers licensed by three Justices (1. *Quorum*) may buy Cattle to be sold at a reasonable Price in Fairs and Markets forty Miles distance from the place where he bought them, 5 *Ed.* 6. *cap.* 14.

See

See the Justices Power about Foreign Cattle, 18 *Car.* 2. *cap.* 2. 20 *Car.* 2. *cap.* 7. 32 *Car.* 2. *cap.* 2.

3 *&* 4 *W. & M.* Beef, Butter and Pork may be transported.

An Act to prevent Frauds in the buying and selling Cattle in *Smithfield* continued from 13 *Feb.* 1692. for seven years by 4 *&* 5 *W. & M. cap.* 24.

CHAP. XXXIII.

Certiorari.

WHEN an Indictment is found before the Justices, it often fall out, that a *Certiorari* is procured from the Courts above, to remove it thither, as to a higher Authority, to the end the Party may there either traverse it, or avoid it, for insufficiency of Matter or Form.

The *Custos Rotulorum* is Keeper of the Records, and yet upon a *Certiorari* the Justices themselves must make the Return, because the Writ is directed to them, 5 *Hob.* 135.

It is likewise held there, that the Record it self must be returned, and not *tenor Recordi*, but Mr. *Crompton* is of Opinion, that either the Record or the tenor of it may be certified according as the direction of the Writ shall be, *Cromp.* 116. *b. Plowd.* 393.

If the Justices shall not make such Certificate as the Writ commands them, there shall go forth an *Alias Certiorari*; next *Pluries vel causam nobis significes*, and at last an Attachment, *Fitz. N. B.* 245. *a.*

The Writ may be directed either to an Inferiour Court of Record, or to an Officer of Record; also a Sheriff, Justice of Peace, Coroner or Escheator; and if it be returnable in *Chancery*, the Words are *in Cancellar. nra.* If into the Kings Bench, *Nobis Mittatis*; If into the Court of Common Pleas, *Coram Just. nostris de Banco.*

Although the Return of a *Certiorari* be passed before it be delivered, yet a Justice ought not to proceed any further; so where a forcible Entry being found, and Restitution awarded (then comes a *Certiorari*) and Execution made afterwards, that Restitution was given in the Kings Bench, and the Justice of Peace severely checkt, *Yelv.* 32.

Attachment against Justice for fining one upon Forcible Entry after *Certiorari* delivered to him, *Styl.* 359.

If

If there be variance between the *Certiorari* and the Record, which is to be removed, the Justices need not to certifie such Record, *Lamb.* 500. *Fitz. N.B.* 45. *b.*

A Justice may deliver or send into the Kings Bench an Indictment found before him, a Recognizance taken by him, or a Record by him without a *Certiorari*, but if he have a Recognizance taken in his Hands, and then be discharged of his Office he cannot certifie it in this case without a *Certiorari*, although he be put into the Commission again, 8 *H.* 4. *f.* 5. *Cro. Car.* 130, 133.

If a *Certiorari* come to remove the Indictment of *A.* in which some others be indicted with him, yet the Justice need only to certifie what concerns *A.* For although they be joyntly named, yet they are severally indicted, 6 *Ed.* 4. 5.

If the day of the Return of the *Certiorari* be passed, yet the Justices must return the Indictment, 6 *H.* 7. 16. *Bro. Judg.* 17. But see *Cromp.* 132, 166. *& Dyer* 235. *contra.*

The *Certiorari* is a *Supersedeas* of it self, and yet the Party may purchase a Writ of *Supersedeas* to be directed to the Sheriff, commanding him not to arrest him upon that Record, *Fitz. N. B.* 237.

If a *Certiorari* come to the Justices, and in truth the Indictment was not taken, till after the date of it, yet if it be removed thereby its good enough, 1 *R.* 3. 4. *Lamb. Fitz. N. B.* 71. *d.*

See the Statute 21 *Jac. cap.* 8. Where all Writs of *Certiorari* to remove Indictments of Forcible Entries, Riots or Assault and Battery, found before the Justices shall be delivered at the Quarter Sessions in open Court, *&c.* And the Persons prosecuting shall be bound to the Prosecutor in ten pounds conditioned to pay Costs and Damages, *&c.* or in default thereof the Justices may proceed.

All the Courts at *Westminster* may write to the Justices to certifie their Records, that make for the Tryal of Causes before them, as in 19 *H.* 6. 19. the *Common Pleas* sent for an Indictment because a Writ of Conspiracy thereupon was depending before them.

In some Cases, Justices may certifie a Record found before them out of Sessions without a *Certiorari*, *Vid. Tit. Forcible Entry.*

In other Cases they ought to certifie their Proceedings, but need not send the Record till a *Certiorari* come for it, See *Tit. Peace.*

If in a *Certiorari* to remove a Recognizance, there be these Words, *viz. With all Matters concerning the same as fully as before you they were taken, &c.* The Justices together, with

with the Recognizances, must certifie the Examination taken, or the Warrant whereby the Party was brought before them, &c.

Note, No *Certiorari* shall be granted to remove a Recognizance except the Writ be signed with the Hand of the Chief Justice, or in his absence of one of the Justices of the same Court, 1 & 2 *Ph. & Mar.* 14.

Note, That upon a *Certiorari* to remove an Indictment of a Riot or forceable Entry, &c. the Return must have these Words, *Necnon ad diversas Felonias*, or else it is insufficient, 12 *H.* 7. 24. 2 *R.* 3. 9. *Bro. Indict.* 32. 50.

A Record may be removed by a Writ of *Corpus cum causa* or *Certiorari*, but not a *Recordare*.

In every Case where the Justices have Power to receive Indictments, but not proceed upon them, they ought of duty to send them up without any *Certiorari*, See 5 *Eliz. cap.* 1.

So if a Man bound to keep the Peace, do make default at the next Quarter-Sessions, the Recognizance with the Record of that default must be certified into the *Chancery*, *Kings-Bench* or *Exchequer*, that Execution may be had thereupon, 3 *H.* 7. *cap.* 1.

If Surety of the Peace be taken by virtue of a *Supplicavit*, the Justice (being but a Minister) must of course return the Writ and Certificate of his doing, into the Court from whence the *Supplicavit* did proceed, *Lamb.* 101. But he need not return the Recognizance with the Certificate without a *Certiorari* requiring him so to do.

If the *Supplicavit* be against divers, and the Party will release the prayer of the Peace against one of them, that Release ought to be certified for him, or a *Non est inventus*, and the Writ must be served for the rest.

Albeit in the removing of Pleas between Party and Party to higher Courts, by *Tolt*, *Pone*, *Recordare*, &c. there was wont to be a probable cause alledged for the same; yet in this Case of the Crown there needs no cause to be compriſed, those Courts being all the Kings Courts, and no loss to any Person in what Court soever the Cause be tryed.

A *Certiorari* must be delivered to the Justices themselves, although the *Custos Rotulorum* be Keeper of the Records (for it is their Office to return it) and whether it be so delivered or not, shall be tryed by a Jury, 21 *H.* 7. 24.

Note, That *Hankford* Chief Justice of the *Kings Bench* required that he who brought thither an Indictment taken before Justices of the Peace, should endorse his Name upon the backside of it, 8 *H.* 5. 5.

The Clerk of the Peace (upon pain of 40 *s.*) muſt certifie into the *Kings Bench* a true Tranſcript of every Attainder, Outlawry and Conviction had before the Juſtices in any place except *Wales*, *Cheſter*, *Lancaſter* and *Durham*, within forty days after, if it be then Term time; or if not, within twenty days after the beginning of the next Term, that the ſame may there appear of Record to be uſed upon Cauſes as the Statute appoints.

If a Principal be attaint of Murder at, or Felony in one County, whereunto another is Acceſſory in another County, if the Juſtices (of Gaol-delivery, *&c.*) there, ſhall write to the *Cuſtos Rotulorum*, he muſt certifie ſuch Attainder, *&c.* that Proceedings may be to the Tryal of the Acceſſory, 2 *Ed.* 6. *cap.* 24.

If *Certiorari* be brought and Sureties tendred to the Juſtices, the Proceedings after *coram non Judice*, *March* 27.

The Judges lately agreed that they would not grant a *Certiorari* to remove an Indictment of Perjury or Forgery, or grand Miſdemeanor, 1 *Syd.* 54.

Juſtice of Peace may ſend an Indictment into the *Kings Bench* by *Certiorari* certified, or delivery of it *per proprias manus*, and not by another, *Palm.* 277.

The Court inclined that nothing can be removed by *Certiorari* if it be delivered to the Juſtices after the time of its Return, *Hill.* 17 *&* 18 *Car.* 2. *Rodes* Caſe in *B. R.*

No *Certiorari* to be allowed to remove a Conviction for ſelling Wine in Bottles, *&c. Stat.* 2 *W. & M. Vid. poſtea Tit. Salt.*

Juſtices of Peace for *Wales*, &c.

Stat. 5 W. & M. Seſſ. 5. Cap. 4. *Whereas by a Statute made the* 34*th and* 35*th of* H. 8. *Entituled*, An Act for certain Ordinances in the Kings Majeſty's Dominion and Principality of *Wales*, *there is a Clauſe contained in theſe Words*, *viz.* That there ſhall not exceed the Number of eight Juſtices of the Peace in any of the ſaid Shires over and above the Preſident, Council and Juſtices aforeſaid, and the Kings Attorny and Solicitor; which Preſident, Council, Juſtices, and the Kings Attorny and Solicitor ſhall be put in every Commiſſion of Peace in every of the ſaid twelve Shires. *And whereas this Clauſe is found inconvenient*, Be it Enacted, That the ſaid Clauſe be repealed, and that it may be lawful to and for the King and Queen by Commiſſion under the Great Seal to conſtitute, nominate and appoint any ſuch numbers of Perſons to be Juſtices of Peace in any of

of the ſaid Counties of *Wales*, as they ſhall think fitting, according to ſuch ways and methods as are commonly uſed for the conſtituting, nominating and appointing of Juſtices of Peace for any County of *England*: And that the Perſons ſo conſtituted, nominated and appointed ſhall have Power and Authority to act and do any thing appertaining to the Office of a Juſtice of Peace, in as large and ample manner as any Juſtice of Peace within the Dominion of *Wales* might or ought to have done before the making of this Act, any Law, *&c.* to the contrary notwithſtanding.

I. *Stat.* 5 *&* 6 *W.* *&* *M. Seſſ.* 5. *Cap.* 5. That in Term time no *Certiorari* at the Proſecution of any Party indicted ſhall be granted out of the Court of *Kings Bench*, to remove any Indictment before Tryal had, and from before the Juſtices of the General or Quarter Seſſions of the Peace, unleſs ſuch *Certiorari* ſhall be granted upon Motion of Counſel and Rule of Court in open Court, and that the Parties indicted proſecuting ſuch *Certiorari* ſhall find two Manucaptors before one or two Juſtices of the County in 20 *l.* to plead to the ſaid Indictment in the *Kings Bench*, and at their own Charges to procure the Iſſue that ſhall be joyned upon the ſaid Indictment to be tryed at the next Aſſizes held for the County where the ſaid Indictment was found, after ſuch *Certiorari* ſhall be returnable, if not in *London*, *Weſtminſter* or *Middleſex*. And if in the ſaid Cities or County, then to cauſe it to be tried the next Term after the ſaid *Certiorai* ſhall be granted, or at the ſitting after the ſaid Term, if the *Kings Bench* ſhall not appoint any other time; and if any other time, then notice to be given to the Proſecutor, and the ſaid Recognizance and *Certiorari* to be certified into the *Kings Bench*, and there filed, and the Name of the Proſecutor to be endorſed; and if the Party proſecuting ſuch *Certiorari* being the Defendant, ſhall not before allowance thereof, procure ſuch Manucaptors to be bound in a Recognizance, the Juſtices of Peace may try the ſaid Indictment at the ſaid Seſſions notwithſtanding ſuch *Certiorari* ſo delivered.

Bail.

Iſſue to be tried at the Aſſizes.

Certificate.

Indictment tryed at Seſſions.

II. And if the Defendant proſecuting ſuch *Certiorari*, be convicted, then the *Kings Bench* ſhall give reaſonable Coſts to the Proſecutor to be taxed according to the courſe of the ſaid Court; and within ten days after demand upon Oath, and refuſal thereof, he ſhall have an Attachment againſt the ſaid Defendant by the Court for his Contempt, and the Recognizance not to be diſcharged till the Coſts ſo taxed ſhall be paid.

III. Nevertheleſs in the Vacation Writs of *Certiorari* may be granted by any of the Juſtices of the *Kings Bench*, whoſe Names ſhall be endorſed, and the Name of the Party at whoſe inſtance it is granted, and before the Allowance of ſuch Writ, the Party indicted proſecuting ſuch *Certiorari* ſhall find ſuch Sureties as before mentioned in this Act.

IV. And alſo upon every *Certiorari* granted within *Cheſter*, *Lancaſter* and *Durham* to remove Indictments as aforeſaid, the Parties indicted proſecuting ſuch *Certiorari* ſhall find Sureties to try the ſaid Indictments at the next Aſſizes or general Gaol-Delivery, and if convicted, ſhall be liable to like Coſts to be taxed as by this Act provided, where the ſame are granted out of the *Kings Bench*.

Sureties to be found.

V. Provided, If any Indictment be againſt any Perſon for not repairing High-Ways, Cawſeys, Pavements or Bridges, and the Title to repair the ſame may come in queſtion upon ſuch Suggeſtion and *Affidavit* made thereof, a *Certiorari* may be granted to remove the ſame into the *Kings Bench*; any Law to the contrary notwithſtanding.

Title in queſtion.

VI. Provided that the Parties proſecuting ſuch *Certiorari* ſhall find two Manucaptors to be bound in a Recognizance, with Condition as aforeſaid.

Bail.

CHAP. XXXIV.

Challenge.

HE that robs any Houſe or is aiding, abetting, *&c.* and challenges peremptorily above twenty, ſhall not have the Benefit of his Clergy. When it appeareth by the Record that a Juror is a kin, its a principal Challenge, but not when its ſhewed by Council, 2 *Syd.* 155. *Vid. Plow Tit. Jurors.*

CHAP.

CHAP. XXXV.

Churches.

CHurches ſituated in a Corporation may by the conſent of the Major, Juſtices, *&c.* or the major part within the Pariſh, and the Patron, be united by the Biſhop of the Dioceſs, 17 *Car.* 2. *cap.* 3.

4 *&* 5 *W. & M. cap.* 12. makes Pariſhioners of the Church united, Contributors to the Repair and Ornaments of the Church to whom the Union was made.

The Juſtice of Peace cannot impoſe a Tax for the Repair of a Church, *Mod. Rep.* 194.

If one ſhall ſtrike or draw a Weapon in a Church or Church-yard, with an intent to ſtrike, and be thereof convicted by Verdict, Confeſſion or Oath of two Witneſſes in the Seſſions, *&c.* he ſhall have one of his Ears cut off, or be burnt in the Cheek with the Letter (F) for want of Ears, 5 *&* 6 *Ed.* 6. *cap.* 4. An Indictment without an Oath only is no Conviction, to inflict the puniſhment of this Act, 1 *Dyer* 256. *b.*

Stat. 1 *Jac.* 2. *cap.* 2. directs the Preacher of St. *James's* Church in *Weſtminſter* 100 *per annum* to be paid quarterly by the Churchwardens, and in default the two next Juſtices of Peace may give Relief, and may cauſe the Churchwarden to be impriſoned till payment.

The Juſtices have Power to reconcile differences. And the Scavengers and Surveyers are to account to two or more of the Juſtices within four days after the electing new ones. And two of the Juſtices may commit to the Common Gaol without Bail or Mainpriſe ſuch as refuſe to account until he make true Account and pay the Arrears, 1 *Jac.* 2. *cap.* 22.

CHAP. XXXVI.

Clergy.

WHAT this is, with the beginning and uſe of it, ſee at large in *Hob. Rep. f.* 288.

At Common Law Clergy allowable in all Caſes, except Sacriledge or High-Treaſon at leaſt, ſuch as was againſt the Kings Perſon, 1 *Co. Inſt.* 150, 336.

By the Statute of 28 *H.* 1. *cap.* 3. Perſons in Holy Orders, ſhall be burnt in the Hand, and uſed as others be, See 32 *H.* 8. *cap.* 3.

By the Statute of 2 *H.* 7. *cap.* 13. Clergy is reſtrained to one or to all Perſons, but only ſuch as are in Holy Orders, and every Perſon convicted for Murder is ordered to be marked with an (M) in the Brawn of the left Thumb, and for other Felony with a (T) and that in open Court.

But now the Benefit of Clergy is taken away in ſeveral Caſes by divers Statutes, As

1. From Perſons found guilty (after the Laws of the Land) for Petty Treaſon, See 23 *H.* 8. 1. 28 *H.* 8. 1. 32 *H.* 8. 3.

2. For wilful Murther of Malice prepenſed or Poyſoning, 2 *Ed.* 6. 12.

3. For robbing of Churches, Chappels, or other Holy places.

4. Robbing any Perſon in his Dwelling Houſe, *&c.* the Owner, his Wife, *&c.* being within the ſame, and put in fear, *Ibid.* and 5 *Ed.* 6. 11.

5. For Robbing any Perſon in or near the High-way, 3 *Ed.* 6. 12.

6. For wilful burning any Dwelling Houſe or Barn, which hath Corn in it, *Ibid.*

7. Any Abettors, Procurers, Helpers, Maintainers or Counſellers to ſuch Offences, 25 *H.* 8. 5. 4 *&* 5 *Ph. & M.* 4. 5 *Eliz.* 17.

8. Perſons convicted of Burglary.

9. Such as break Houſes, any perſon being therein, and put to fear.

10. Felonious Stealer of Horſes, Geldings or Mares.

11. Such as command, hire or counſel any to commit Petty Treaſon, Murder, Robbery, burning of Houſes or Barns with Corn, 4 *&* 5 *Ph. & M. cap.* 4.

12. Such as rob any Perſon in any Booth or Tent in Fair or Market, the Owners, *&c.* 8 *Ed.* 6. 11.

13. All Perſons tranſported into *England* called *Egyptians*, and ſtaying there above a Month, 1 *&* 2 *Ph. & M.* 13.

14. Such as ſhall be found in Company with Vagabonds calling themſelves *Egyptians*, or diſguiſing themſelves like unto them, and ſo remaining for a Month, 5 *Eliz.* 20.

15. Perſons convicted of the Felonious taking of Mony, Goods or Chattles to the value of 5 *s.* or more in any Dwelling Houſe, *&c.* though no Perſon be in it, 39 *Eliz.* 15.

16. Such

16. Such as felonioufly take Mony, Goods or Chattles from another privily, 8 *Eliz.* 4.

17. Such as ſtab any Perſon, who hath not drawn Weapon, or hath not firſt ſtriken him, if the Party dye within ſix Months, 1 *Jac.* 8.

18. Popiſh Recuſants, *&c.* who being commanded to abjure, do not depart, or do return again, 35 *Eliz.* 1, 2.

19. Any Perſon receiving, *&c.* a Jeſuit or Prieſt born in *England*, and ordained by Authority from *Rome*, 27 *Eliz.* 2.

20. Any convicted upon 5 *H.* 7. 2. for taking any Maid, Widow or Wife of Subſtance, or after marrying her or aſſenting to it, or defiling and receiving her knowing it.

21. Upon the ſecond Conviction of Forgery, 3 *Eliz.* 14.

22. For committing Rape or Burglary, 18 *Eliz.* 7.

23. Exerciſing Conjuration whereby any Perſon is killed or lamed, 1 *Jac.* 12.

24. A Souldier departing without Licence, 2 *Ed.* 6. 2.

25. A wandring Souldier offending againſt 39 *Eliz.* 17.

26. Such as ſteal Cloth from the Tentors, 22 *Car.* 2. *cap.* 5.

27. Such as imbezil his Majeſty's Stores, *Ibid.*

28. Such as maliciouſly maim any Perſon, 22 *&* 23 *Car.* 2.

29. From notorious Thieves and Spoil takers in the Counties of *Northumberland* and *Cumberland*, 18 *Car.* 2. *cap.* 3. 29 *&* 30 *Car.* 2. *cap.* 2.

Every Perſon having his Clergy ſhall be forthwith delivered out of Priſon, and not to the Ordinary; yet the Juſtices may detain him in Priſon as a farther puniſhment for any time, not exceeding one year, and ſhall, notwithſtanding his admiſſion to his Clergy, anſwer any other Offences.

If a Man flings a Stone and kills another he ſhall have his Clergy, *Jones* 433.

If one rob *in alta via Regia pedeſtri*, *Quære*, if he ſhall have his Clergy, *Het.* 75. *Mod.* 5.

One comes to a Tavern and ſteals the Cup that is given him to drink in, its Felony without Benefit of Clergy.

1. *Stat.* 3 *&* 4 *W. & M. cap.* 9. Such as ſhall rob any Perſon or felonioufly take away Goods being in a Dwelling Houſe, the Owner or other perſon being there, and put in fear; or ſhall rob any Dwelling Houſe in the day time, any Perſon being therein, or ſhall be Acceſſory to any of the ſaid Offences; or to break any Dwelling Houſe, Shop, or Warehouſe thereunto belonging, or therewith uſed in the day time, and felonioufly take away Mony or Goods to the value of 5 *s.* though no perſon be therein; or ſhall counſel, hire or command any Perſon to commit any Burglary, being

thereof attainted, or being indicted thereof, ſhall ſtand mute, or will not directly anſwer to the Indictment, or ſhall peremptorily challenge above twenty Jurors, ſhall not have the Benefit of their Clergy.

2. Perſons indicted of any Offence, for which by virtue of any former Law they are excluded from Clergy, if convicted by Verdict or Confeſſion, ſhall not be admitted to the Benefit thereof if they ſtand mute, or will not anſwer directly to the Felony, or ſhall challenge peremptorily above twenty.

3. Perſons indicted for ſtealing any Goods in any County, and thereof convicted, or ſtanding mute, or not anſwering directly to the Indictment, or challenging peremptorily above twenty ſhall be excluded from the Benefit of their Clergy, if it appear upon Evidence that the ſaid Goods were taken in any other County in ſuch manner, as if the ſaid Perſons had been convicted by a Jury there, they ſhould have loſt the Benefit of their Clergy.

4. Perſons buying or receiving ſtolen Goods, knowing them to be ſtoln, ſhall be deemed Acceſſories to the Felony after the Fact.

5. If any Perſons ſhall ſteal any Chattels, *&c.* which by Contract or Agreement they are to uſe, or ſhall be let to them in Lodgings, ſuch Stealing ſhall be adjudged Larceny and Felony.

6. If a Woman be convicted of an Offence, for which a Man might have the Benefit of his Clergy, upon her Prayer to have the Benefit of this Statute, Judgment of Death ſhall not be given againſt her, but ſhe ſhall ſuffer the ſame puniſhment that a Man ſhould ſuffer, *viz.* ſhall be burnt in the Hand, and farther be kept in Priſon not exceeding a year.

7. A Tranſcript certified by the Clerk of the Crown, of the Peace or of the Aſſizes, containing the Tenor of the Indictment, and of the perſons having had the Benefit of his Clergy, or of this Act, to the Judges or Juſtices in any other County, ſhall be a ſufficient proof that ſuch perſon hath had the Benefit of his Clergy or of this Act.

By the Act of 4 & 5 *W. & M. cap.* 24. It is enacted, That if a Woman ſhall be convicted of any Felony, for which a Man might have the Benefit of Clergy, and upon her Prayer hath once had the Benefit of the laſt recited Statute, and ſhall be again convicted of any ſuch other or like Felony, ſhe ſhall loſe the Benefit of the ſaid Statute, and ſuffer death in ſuch manner, as if the ſame had not been made.

CHAP.

CHAP. XXXVII.

Clerk of the Peace.

BY 1 *W. & M. cap.* 21. The *Cuſtos Rotulorum* to nominate the Clerk of the Peace, who for his Miſmanagement may be ſuſpended or diſcharged by the Juſtices of Peace, and if the *Cuſtos Rotulorum* refuſe or neglect to put in another, the Juſtices may nominate one at their General Quarter Seſſions, See 37 *H.* 8. 1.

CHAP. XXXVIII.

Clipping and Coining.

TO counterfeit the Coin of this Realm is High Treaſon.

The Juſtices of Peace may inquire hereof, and may make out Proceſs by *Capias* only againſt thoſe which ſhall be indicted thereof before them.

They have alſo Power to hear and determine all Offences touching falſe Mony, *Stamf. f.* 3. 3 *H.* 5. *cap.* 7. *Dalt.* 329.

The Acts concerning Coinage are continued from 13 *Feb.* 1692. for ſeven years by 4 *&* 5 *W. & M. cap.* 24.

By the Act to prevent Clipping and Coining 6 *&* 7 *Gul.* It is enacted, That no perſon do caſt any Ingots or Bars of Silver in imitation of *Spaniſh* Bars or Ingots of Silver, nor ſtamp any Marks thereon in likeneſs of the *Spaniſh* Marks on penalty of 500 *l.* And for the better preventing the clipping, diminiſhing or impairing the current Coin of this Kingdom, It is enacted, That if any perſon ſhall buy or ſell, and knowingly have in his Cuſtody or Poſſeſſion any Clippings or Filings of the current Coin of this Kingdom, he ſhall forfeit the ſaid Clippings and Filings and alſo the Sum of 100 *l.* one Moeity to his Majeſty, and the other to the Informer, and ſhall be branded in the right Cheek with the Letter (R) and ſuffer Impriſonment until payment of the Fine, *&c.*

And for the better diſcovery of Offenders in the Premiſſes, It ſhall be lawful for any two Juſtices of the Peace within any County, City or Town Corporate out of the Compaſs of the weekly Bills of Mortality to enter into the Houſe,

Houſe, Room or Workſhop of any perſon who ſhall be ſuſpected to be guilty of buying or ſelling unlawful Bullion, and to ſearch for the ſame; and in caſe of refuſal by the Occupier to permit them to make ſuch Search they may with the aſſiſtance of a Conſtable break open any Door, Box, Trunk, Cheſt, Cupboard or Cabinet to ſearch for the ſame; and upon finding any ſuch unlawful Bullion to ſeize the Bullion and Perſon who had it in poſſeſſion, and may examine the Perſon upon Oath whether the Bullion ſo found be lawful Silver, and whether the ſame was not before the melting thereof, the current Coin of this Realm, or Clippings thereof; and if the perſon ſhall not prove by his or her Oath, or by the Oath of one credible Witneſs, that the Bullion ſo found is lawful Silver, and that the ſame was not before the melting thereof the current Coin of this Realm nor Clippings thereof; in ſuch Caſes the Juſtices ſhall commit the Perſon to Priſon and ſecure the Bullion, and oblige the Perſons that can give Evidence concerning the ſame, to enter into Recognizance to proſecute the ſaid Offender and Offenders. And in Caſe the Offender ſhall not upon his Trial on an Indictment for melting the current Silver Coin of this Realm prove by the Oath of one credible Witneſs at the leaſt, the Bullion ſo found to be lawful Silver, and that the ſame was not the current Coin of this Realm, nor Clippings thereof, then he ſhall be found Guilty and ſuffer Impriſonment for ſix Months without Bail.

Note, That within the Weekly Bills of Mortality the perſons authorized to ſearch are one or more of the Wardens of the Company of Goldſmiths with any two or more of the Court of Aſſiſtants of the ſaid Company, and they in caſe of refuſal by the Occupier, *&c.* may with a Conſtable break open the Door, *&c.* and bring the Perſon offending before the next Juſtice of the Peace, who ſhall upon Oath made of ſuch finding examine the perſon upon Oath, *&c.* (as above is ſet forth.)

CHAP.

CHAP. XXXIX.

Cloth.

ANY Justice, Overseer, *&c.* may seach for Tenter, *&c.* whereby deceit may be used about stretching of woollen Cloth; for the first Offence he may deface them, for the second sell them, but two Justices must sell them, 39 *Eliz. cap.* 20. 43 *Eliz. cap.* 10.

The Justices upon Information must execute this Law within seven days. And the Justices of the Shire may joyn with those of the Corporation to appoint Overseers of such Cloth, and so see the Statute of 3 *Ed.* 6. *cap.* 2. 29 *Eliz. c.*23. well observed, *quod vide.*

Two Justices upon Complaint may call before them any Person to discover these Offences, and that by two Witnesses, or by his own Confession, the Offender shall be convicted, they shall certifie the Offence to the Churchwardens, *&c.* to levy such Monies as by their Certificate shall appear due upon the Offenders Goods; and the Justices in defect of Distress shall commit the Party without Bail, till he make payment, 21 *Jac. cap.* 18.

The Overseers may go into any House, *&c.* of any Draper, *&c.* to search for such Cloth, and that only upon suspition, and fix a Seal of Lead on all Cloth by them viewed with the Word *Searched* or *Faulty*, and no other Person shall do this under the pain of 5 *l.* 39 *Eliz. cap.* 20. 21 *Jac. cap.*18. by which last Statute the Overseers shall fix, ingrave their Christian and Sirnames upon these Seals of Lead; they shall likewise carry away all Cloth so sealed, and present the same at the Quarter Sessions; if they find any false Seals set on Cloth they shall present it, and the Owners at the next Sessions; but Cloth by them thus lawfully sealed, shall not be afterwards viewed by any other.

If any Person (whose Tenters are defaced) offend the second time shall forfeit 5 *l. Ibid.*

If any Person refuse to be overseer he shall forfeit 5 *l.* half to the King and the other half to the Justices, and remain in the Sheriffs Ward until such Forfeiture be paid, or Sureties put in for the same, 9 *Eliz. c.* 20. The Mony levied by the Sale of the Tenter, *&c.* shall be disposed of to the Poor by the consent of any two Justices, by the Statute of 17 *Jac.* certain Cloths made in *Cumberland*, *Westmorland*, *Lancaster* shall not be subject to search, *&c.* By the Statute of 3 *Jac. c.* 17.

Welch

Welch Cotten ſhall not be ſearched, or have a Seal of their length or weight

All penalties for want of length, breadth and weight of Cloth, by any Statute now in force, ſhall be equally divided into three parts. One to the Searchers, the other two to the Poor of the Pariſh, *See Stat.* 21 *Jac.* c. 18. how to be recovered; theſe Penalties and Forfeitures are under the power of the Juſtices of the Peace, and for their direction herein ſee the Statutes of 4 *Jac. cap.* 2. 25 *Eliz. cap.* 17. 5 *Ed. cap.* 6. 4 *&* 5 *Ph. & Mar. cap.* 5. 27 *Eliz. cap.* 17. 5 *&* 6 *Ed. cap.* 1. 25 *Eliz. cap.* 10. 8 *Eliz. cap.* 12.

Any two Juſtices may take Order between the Clothier and his Spinſters, and puniſh ſuch as ſhall convey away, *&c.* all Wool or Yarn delivered to them; and the Receiver knowing the ſame being convict by Confeſſion, or two Witneſſes, ſhall make recompence by Order of the ſame Juſtices; or if not able ſo to do ſhall be whipt or ſet in the Stocks, and for the ſecond Offence ſhall be whipt or ſet in the Stocks, 7 *Jac. cap.* 7.

Clothiers refuſing to pay Wages aſſeſſed at the Seſſions and convict thereof before two Juſtices *Quorum unus* as aforeſaid, ſhall forfeit 10 *s.* to the Party grieved to be levied by Diſtreſs, 1 *Jac. cap.* 6.

Two Juſtices (*Quorum unus*) may take Information of ſtretching Linnen Cloth, and the Seiſor to the next Seſſions, and alſo to pay the Kings Majeſty when recovered, 1 *Eliz. cap.* 12. See *Stat.* 14 *Car.* 2. *cap.* 32. for the Power of Juſtices in the *Weſt Riding* in *Yorkſhire*, and for *Norfolk* and *Norwich*, and alſo the Towns of *Redermiſter*.

For the Prohibition of Foreign Woolcards, Cardwires or Iron-wire or making Wool-cards and the puniſhment thereof, See 14 *Car.* 2. *cap.* 19.

CHAP. XL.

Coals.

BY an Act made 2 *W. & M. cap.* 7. The Statutes concerning the Regulating the Meaſures and Prices of Coals are revived to continue for ſeven years, and from thence to the end of the firſt Seſſion of Parliament then next. *Vid. antea* Admeaſurement of Keels. *See the Precedents Tit.* Coals.

CHAP.

CHAP. XLI.

Coffee.

NOne ſhall ſell or retail Coffee, Chokolet, Sherbet or Tea without Licence from the General Seſſions or Chief Magiſtrate, and a Certificate that he hath entred into Recognizance to pay the Exciſe (for the Licence and Recognizance he ſhall pay but 12 *d.*) upon pain of 5 *l.* for every Month in which he ſhall ſell by Retail without Licence, 15 *Car.* 2. *cap.* 11.

This Statute repealed 1 *W. & M.* and Duty to be paid at the Cuſtom Houſe upon the Berries.

CHAP. XLII.

Commiſſioners.

THE Juſtices of *Norfolk* and *Suffolk* at their reſpective Seſſions have power to chooſe two of the eight Commiſſioners for Inſpection and taking account of the Monies, *&c.* for maintaining *Yarmouth* Peer for fourteen years, and to the end of the next Seſſions, 1 *Jac.* 2. *cap.* 16.

CHAP. XLIII.

Common Prayer.

EVery Incumbent reſident on his Cure (not having a lawful Excuſe allowed of by the Ordinary) ſhall himſelf once a Month (although he hath a Curate) read Common Prayer, and if need be adminiſter the Sacrament, *&c.* in his Pariſh-Church or forfeit 5 *l.* to the uſe of the Pariſh, upon Coviction by two Witneſſes, or Confeſſion before two Juſtices of the Peace, and if it be not paid in ten days, ſhall be levied on his Goods, by the Churchwardens, *&c.* by Warrant from two Juſtices.

If

If any Perſon diſabled to preach by *Stat.* 14 *Car.* 2. *cap.*14. ſhall preach during ſuch Diſability, he ſhall be impriſoned three Months without Bail, and two Juſtices or Major, *&c.* upon Certificate from the Ordinary ſhall commit him to Gaol.

Diſturbing the Miniſter in reading Common Prayer, ſee the Statute of 1 *W.* & *M.* for Liberty of Conſcience, *Vide infra Tit.* Diſſenters.

CHAP. XLIV.

Conſtables.

THE Word is derived from the *Saxon* Word *Cuning* or *Kinning* which ſignifies King, and *Stable* becauſe they were the Stability of the King and Kingdom.

Two Juſtices *Quorum unus* may appoint High Conſtables in *Wales*, 34 *H.* 8. *cap.* 26.

But the manner is to chuſe the Conſtables in the Quarter-Seſſions, or by the major number of the Juſtices of that Diviſion out of Quarter Seſſions, and they are ſworn either at the Seſſions or by Warrant from them.

By the ſame Authority they are choſen, they are removeable, and that not without juſt cauſe, by the Opinion of Mr. *Lambert* and others. Theſe Conſtables were ordained by the Statute of 13 *Eliz. cap.* 6. and appointed to keep the Peace, to view Arms twice a year, to preſent default of Armor, Watches, Highways, Hue and Cry, ſuch as lodge Strangers for whom they will not anſwer, and this was to Juſtices aſſigned. But it ſeems that Juſtices of the Peace may take the ſame, this is both by their firſt *Aſſignavimus* in their Commiſſion, and alſo the Conſtables.

Petty Conſtables were deviſed for the aid of theſe about the beginning of the Reign of *Ed.* 3. and this as Mr *Lambert* hath it in his Duty of Conſtables *p.* 9. See alſo *Stat.* 4 *Ed.* 3. *cap.* 3, 10.

But *Fineux* (12 *H.* 7. *f.* 18.) ſays, That Sheriffs at firſt had the ſole rule of the County, then the People increaſing, Hundreds were divided, and an High Conſtable made in each of them, which contradicts the Opinion of Mr. *Lambert*.

A Conſtable upon a general Warrant may carry an Offender to any Juſtice, otherwiſe it is, if the Warrant be ſpecial, *Co. Lit.* 1. 5. *f.* 59.

It

It was held *Trin.* 5 *Car.* 1. *cap.* 7. Juſtices at their Seſſions may compel High-Conſtables to attend the Quarter Seſſions, and to preſent Offenders upon Oath, otherwiſe it is at the Aſſizes.

The chuſing and ſwearing of Petty Conſtables belongs to the Leet, yet it is uſual for every Juſtice to ſwear them, and upon Cauſe to remove, *See Title Warrants.*

Anciently both High-Conſtables and Petty Conſtables were appointed and ſworn by the Sheriff in his Torn.

If they refuſe to be ſworn, the Juſtice may bind them to the Aſſizes or Seſſions, where they ſhall be indicted, fined or impriſoned, *Dyer* 29.

It hath been adjudged that Juſtices of the Peace cannot commit a Perſon until he takes his Office, and that he cannot chuſe a Conſtable, may ſwear him, and alſo remove an unfit Perſon from that Office.

If an unfit Perſon be choſe in a Leet 'tis cauſe of Forfeiture.

If a Conſtable die, *&c.* his place is to be ſupplyed by the Leets or Juſtices of the Peace.

But now by the Statute of 14 *Car.* 2. *cap.* 12. In caſe of the death of Conſtables or Headboroughs, or in caſe of their Removal out of the Pariſh, two Juſtices of the Peace may ſwear new ones, they to continue until the next Leet, or until the Seſſions where the ſame ſhall be either approved or others appointed; and if for want of a Leet they hold over a year, they muſt be diſcharged, and others put in their places. By the ſame Statute Conſtables, *&c.* being out of purſe may make Rates upon the Occupiers of Lands, Inhabitants and others chargeable to the Poor, which being confirmed by the Juſtices may be levied by Diſtreſs, by the Warrant of two Juſtices to reimburſe themſelves for Paſſes, *&c.* carrying of Rogues to Correction, *&c.*

Its lawful for a Conſtable to take ſuſpected Perſons that walk in the night and ſleep in the day, or them that keep ſuſpicious Company, and he may call others to aid him to arreſt them, 13 *H.* 7. *f.* 10.

Conſtable indicted for refuſing to purſue Hue and Cry for a Burglary. *Cro. Eliz.* 654.

Conſtable to ſearch if any one uſe any meaſures but *Wincheſter*; and if he finds any unſealed Meaſure to break the ſame, *Stat.* 22 *Car.* 2. *cap.* 8.

A Conſtable is not to diſpute the Authority of his Warrant, its his Duty to execute it, and if his Warrant be not juſtifiable in Law, the Juſtice of Peace, which granted it, ſhall anſwer, *Trin.* 23 *Car.* 2.

If

If a Conſtable be ſworn in a Leet the Juſtices of Peace have no Power to diſcharge him, but may fine him for a Miſdemeanour, 1 *Bulſt.* 174.

One cannot be committed for refuſing to be ſworn Conſtable, but muſt before be fined or indicted, *Cro. Car.* 567.

A Conſtable hath no Authority to commit any perſon to Priſon before he carries him before a Juſtice of Peace, unleſs for breach of the Peace done in his preſence, *Savil* 98.

Conſtable indicted for diſobeying Juſtice of Peace's Warrant, 2 *Rolls Rep.* 78.

A Preſentment for refuſing to be ſworn a Conſtable, *Mod. Rep.* 24.

B. R. ordered an Action to be brought againſt a Conſtable for committing one to the Compter without a Cauſe.

Several Conſtables and Pariſh Officers that had refuſed to give Accounts upon Oath of the Names of the Inhabitants, Houſe-keepers and Inmates in their ſeveral Pariſhes were tryed and fined 100 *l.* apiece 8 *Sept.* 1684.

If one be choſen Conſtable and warned before a Juſtice of Peace to take his Oath, and voluntarily neglects to take it, he is indictable, *Allen* 78.

A Conſtable has Power through the whole Pariſh and Diviſion, 18 *Car.* 2. The Caſe of the Inhabitants of *Shadwel.*

A Conſtable of one Town may execute a Warrant in any other Town in the ſame County by Chief Juſtice *Hale, Trials per Pais,* 224.

A Conſtable may make a Deputy, 1 *Bulſt. f.* 77. 1 *Rolls Rep.* 274. 1 *Rolls Abr.* 591. *Moor* 845. *Cro. Car.* 585. He that is ſworn, though hired, is the Conſtable, 1 *Sid.* 355.

A Conſtable cannot juſtifie the breaking of any Mans Houſe in the Night time unleſs it be in caſe of Felony, 1 *Buſt.* 146. *Vid.* 5 *Co.* 19. *b.* 5 *Co.* 92. *Seymans* Caſe.

A Conſtable may arreſt a Man for breaking the Peace upon himſelf, 1 *Rolls Rep.* 238.

A Conſtable takes a Man that dangerouſly wounds another, and ſuffers him to eſcape, and then the Party wounded dies, if not Felony in the Conſtable, he is fineable at leaſt, 11 *H.* 4. *fol.* 12.

A Conſtable may break a Door open to take an Offender, where Felony is committed, or dangerous Wound given, *Hales Pl. Cr. fol.* 80.

If there be any Breach of the Peace the Conſtable may impriſon the Party in the Stocks, in the Gaol, or in his Houſe till he can bring him before a Juſtice of the Peace, *Hales Pl. Cr. fo.* 79.

An

An Attorny of the *Common Pleas* cannot be compelled to be a Constable, *Cro. Car.* 595. 389. *Noy* 112, 113.

If a Parliament Mans Servant be chosen Constable, he is excusable from serving, *per Twisden, Mod. Rep. f.* 13.

A Constable in *London* may not justifie the Imprisoning of one that disturbed him in doing his Service, although he gave him opprobrious Speeches, or make an Assault upon him, or otherwise be of an evil Behaviour, as is said in *Savil* 98. in the Case of *Fullwood* versus *Gascoin*. It is now practised otherwise.

Sessions no power to elect a Constable, but a Leet has, *Stile* 362.

A Constable cannot be sued out of the County where he is Constable, for a thing by him done in Execution of his Office, *Stile* 393.

CHAP. XLV.

Corn.

THE Power of Justices at their Quarter Sessions next after *Michaelmas* and *Easter*, and in *London* in *October* and *April* by the Major, Aldermen and Justices there concerning Foreing Corn imported is contained in the Statute of 1 *Jac.* 2. *cap.* 19.

CHAP. XLVI.

Coroner.

WHAT Qualification a Coroner ought to have, 2 *Inst.* 447.

No Coroner to demand or take any thing of any Man to do his Office upon pain of great Forfeiture to the King, *per Stat.* 3 *Ed.* 1. *cap.* 10.

Coroners had not, nor ought to have any thing by Law, for their Office doing, which oftentimes hath been the Occasion that Coroners have been remiss in doing their Office: It is ordained that a Coroner have for his Fee upon every Inquisition taken upon view of the Body slain 13 *s.* 4 *d.*

of the Goods and Chattles of him that is the Slayer and Murderer, if he have any Goods, and if he have no Goods, then the Coroner to have for his Fee of ſuch Amerciaments as ſhall fortune any Townſhip to be amerced for Eſcape of ſuch Murderer, as is aforeſaid, *per Stat.* 3 *H.* 7. *cap.* 1.

Upon requeſt made to a Coroner to come and enquire upon View of any Perſon ſlain, drowned, or otherwiſe dead by Miſadventure, the ſaid Coroner ſhall do his Office without taking any thing, and if he neglects or takes any thing, he forfeits 40 *s.* and the Juſtices of Peace have Power to determine the ſame by Examination or Preſentment, *Stat.* 1 *H.* 8. *cap.* 7. 4 *Ed.* 1. *cap.* 1. a Statute made *de Officio Coronatoris.*

A Coroner in one County is a Coroner in every County in *England*, *Godb. Rep. fo.* 64.

If a Man drown himſelf and cannot be found, the Inquiſition is to be found before a Juſtice of Peace, and not a Coroner, *Poph.* 208. *Latch.* 166.

CHAP. XLVII.

Cottages and Inmates.

NO Perſon ſhall make, build, *&c.* any Cottage, unleſs he aſſign to it four Acres of Land of Inheritance being near, and always to be uſed with it, upon pain of ten pounds.

No Inmate nor more than one Family ſhall dwell in any ſuch Cottage upon Forfeiture of 10 *s. per menſem* by the Owner or Occupier to the Lord of the Leet, 3 *Eliz. cap.* 7.

This Act extendeth not to any Cottages in a City, *&c.* or erected for Miners or Colemen, being but a Mile from the Work, or a Cottage within a Mile of the Sea, *&c.* nor to a Warren or old Cottage for Shepherds, or Poor being allowed by the Seſſions, *Ibid.*

The Seſſions, *&c.* may determine theſe Offences upon Indictment, which ſhall be executed by *Scire Facias*, &c. for Churchwardens by leave of the Lord may erect Cottages for the Poor, *Ibid.*

By *Clark*, Inmates are where there are more Families than one, 4 *Leon.* 10.

By *Manwood*, An Inmate is ſuch an one who is at his own finding, *Ibid.*

An

An Indictment for erecting a Cottage must conclude *contra formam Statuti*, 2 *Rolls Rep.* 38.

Several were put in one Indictment for having Inmates in their Houses, they ought to be severally indicted, 2 *Rolls Rep.* 164.

CHAP. XLVIII.

Counterfeits.

TWO Justices (*Quorum unus*) may bind to the Sessions, *&c.* a Person suspected of deceitful getting Mony or Goods into his Hands by false Tokens, *&c.* and bind him over to the Sessions, 33 *H.* 8. *cap.* 1. He that shall personate any Seaman, *&c.* in the presence of the Kings Commissioners, there to receive Monies due from the King, may be arrested by such Commissioners, and Imprisoned till he give Bail to appear; and if convict shall pay double the Sum he demanded to the Chest at *Chatham*, and imprisoned for any time, not exceeding the year, 22 *&* 23 *Car. cap.* 2.

He that counterfeits the Hand of the Treasurers of the Navy, or knowingly produces counterfeit Tickets, *&c.* may be committed by the Commissioners of the Navy, until he give Bail to appear at the next Assizes or Sessions.

One indicted and fined for counterfeiting of a Protection, though in the Name of one that had no Power to grant it, 1 *Sid.* 142.

CHAP. XLIX.

Customs.

SUCH Persons as forcibly resist, hinder, affront, abuse or wound the Officers of the Customs, or their Deputies, in the Execution of their Trust and Services, either on board a Vessel, or by Land or Water, shall by the next Justice of Peace, or other Magistrate, be committed to Prison until the Quarter Sessions, 14 *Car.* 2. *cap.* 11.

A Justice upon proof (by the Oaths of two Witnesses) may for the first Offence commit any Carman, Porter, Waterman or other Person, that shall assist in the taking up,

landing, ſhipping or carrying away any Goods, Wares or Merchandizes either from the Shoar outward bound, or out of any Ship or Veſſel arriving from parts beyond the Sea without a Warrant and preſence of one or more Officers of the Cuſtoms, to remain till he ſhall find Sureties for the Good Behaviour for ſo long time, until he ſhall be thereof diſcharged by the Lord Treaſurer, Chancellor, Under-treaſurer or Barons of the Exchequer. And for the ſecond Offence being ſo convicted, Juſtice may commit him to Gaol for two Months without Bail, or until he ſhall pay the Sheriff 5 *l.* or until he ſhall be diſcharged by the Lord Treaſurer, Chancellor, Under-Treaſurer or Barons, 14 *Car.* 2 *cap.* 11.

11 *Car.* 2. *cap.* 19. If any Perſon ſhall cauſe any Goods for which Cuſtom, Subſidy or other Duties are due by an Act 12 *Car.* 2. *cap.* 14. to be landed or conveyed away without Entry firſt made, and the Cuſtomer, Collector or his Deputy firſt agreed with, upon Oath made before (amongſt others) the Chief Magiſtrate of the Port, or place where the Offence ſhall be committed, or the place next adjoyning, he may iſſue out a Warrant to any Perſons enabling them, with the Aſſiſtance of a Sheriff, Juſtice of Peace or Conſtable, and enter any Houſe in the day time where the Goods are ſuſpected to be concealed, and in caſe of reſiſtance to break the Houſe and ſeize the Goods, but no Houſe ſhall be entred but within a Month after the Offence committed. And if upon ſuch Information a Houſe be ſearched and prove falſe, the Party ſhall recover his full Damage and Coſts againſt ſuch Informer.

The Act 2 *W. & M. For granting to their Majeſties a Subſidy of Tonnage and Poundage, and other Sums of Mony payable upon Merchandizes exported and imported*, grants the Subſidy formerly (*viz.* 12 *Car.* 2. granted to him for his Life) to their Majeſties for four years from *Decemb.* 24. 1690. and revives the Act 12 *Car.* 2. for that time of four years, as alſo the Act 12 *Car.* 2. *To prevent Frauds and Concealments of Cuſtoms*; and an Act 14 *Car.* 2. *For preventing Frauds and regulating Abuſes in Cuſtoms*; and the Act 22 *Car.* 2. *For improvement of Tillage and Cattle.* And an Act made 25 *Car.* 2. *For taking Aliens Duties upon the Manufacture of the Nation*; and the Act 25 *Car.* 2. *For Encouragement of the* Greenland *and* Eaſtland *Trades*; and the Additional Act made 1 *Jac.* 2. *For improvement of Tillage*, to be in force during the four years.

An Act 20 *Decemb.* 1690. 2 *W. & M. For granting to their Majeſties certain Impoſitions upon all* Eaſt-India *Goods*, &c. *for five years*, continues the Act of Tonnage and Poundage,

12 *Car.*

12 *Car.* 2. during this Act, 4 & 5 *W. & M. cap.* 15. continues theſe Impoſitions upon *Eaſt-India* Goods till *Novemb.* 1697.

Deer-ſtealing See Hunting.

CHAP. L.

Diſſenters.

BY this Act 1 *W. & M. cap.* 18. Entituled, *An Act for Exempting Proteſtant Diſſenters*, neither 23 *Eliz. cap.* 1. nor 29 *Eliz. cap.* 6. nor 1 *Eliz. cap.* 2. nor that Branch of the Act of Uniformity, 1 *Eliz. cap.* 2. concerning Eccleſiaſtical Cenſures, and Forfeitures of 12 *d. per* Sunday for not reſorting to the Pariſh Church or Chappel, where the Common Prayer ſhall be uſed, nor 3 *Jac. cap.* 4. nor 3 *Jac. cap.* 3. nor any other Statute againſt Popiſh Recuſants (except 25 *Car.* 2. *cap.* 2. and 30 *Car.* 2. *cap.* 1.) ſhall be conſtrued to extend to any Perſon diſſenting from the Church of *England*, that ſhall take the Oaths mentioned in a Statute made this preſent Parliament *cap.* 8. and ſhall make and ſubſcribe the Declaration mentioned in 30 *Car.* 2. *cap.* 1. which ſaid Oath and Declaration the Juſtices of the Peace at the Seſſions are required to adminiſter to ſuch Perſons as ſhall offer to take, make and ſubſcribe the ſame, paying 6 *d.* for regiſtring, and 6 *d.* for a Certificate.

1 *W. & M. cap.* 18. By this Act *For exempting Proteſtant Diſſenters*, no Aſſembly of Perſons diſſenting from the Church of *England* ſhall be had in any place with the Doors locked or bolted during any time of Meeting, and every Perſon that ſhall be at ſuch Meeting ſhall not have the benefit of this Act, but ſhall be liable to the former Laws.

Stat. 1 *W. & M.* Entituled, *An Act for exempting Proteſtant Diſſenters*, &c. The Teacher to take the Oaths at Quarter-Seſſions, and ſubſcribe the Declaration, and declare his Approbation of the Articles of the Church of *England*, except 34, 35, 36 and part of the 20*th.*

Any Juſtice of Peace may at any time require any Perſons that go to any Meeting for exerciſe of Religion to make and ſubſcribe the Declaration, and alſo take the ſaid Oaths (or Declaration of Fidelity mentioned in the ſaid Act in caſe ſuch Perſons ſcruple the taking of an Oath) and upon

refuſal thereof ſuch Juſtice of Peace is required to commit ſuch Perſon to Priſon without Bail or Mainprize, and certifie his Name to the next Quarter-Seſſions.

If he refuſe upon a ſecond tender at the General or Quarter Seſſions, it ſhall be recorded, and he thenceforth to ſuffer as a Popiſh Recuſant.

Such as ſcruple an Oath muſt ſubſcribe the aforeſaid Declaration, and alſo a Declaration of Fidelity; and in caſe any Perſon ſhall refuſe to take the ſaid Oaths when tendred unto them, which every Juſtice is impowred to do; ſuch Perſon ſhall not be admitted to make and ſubſcribe the ſaid two Declarations, unleſs the Perſon within 31 days after tender produce two Witneſſes, that are Proteſtants, to ſwear they believe him to be a Proteſtant Diſſenter, or a Certificate under the Hands of four Proteſtants conformable to the Church of *England*, or that have taken the Oaths and ſubſcribed the Declaration, and alſo a Certificate under the Hands and Seals of ſix of the Congregation to which he belongs, owning him for one of them.

The ſaid Perſon to enter into Record of 50 *l.* till he produce the Witneſſes or Certificate, and if he cannot give ſuch Security, to be committed till he produce ſuch Certificate or two Witneſſes.

If any Perſon willingly, purpoſely, maliciouſly or contemptuouſly come into any Cathedral or Parish-Church, Chapel or other Congregation permitted by this Act, and diſquiet or diſturb the ſame, or miſuſe any Preacher or Teacher, upon proof before a Juſtice of Peace by two Witneſſes, ſhall find two Sureties in 50 *l.* by Recognizance, in default to be committed to Priſon till next Quarter Seſſions, and if there convicted ſhall pay 20 *l.*

All Laws provided for frequenting Divine Service on the Lords Day to be in force againſt all perſons that come not to ſome Congregation or Aſſembly of Religious Worſhip allowed by this Act.

Where a Statute gives Power to a Juſtice of Peace to require any perſon to take Oaths, the Law implicitly gave him Power to make a Warrant to have the Body before him, 12 Co. 130, 131.

This Act 1 *W. & M. cap.* 18. not to extend to the eaſe or benefit of any Papiſt or other Perſon that ſhall deny the Doctrine of the Bleſſed Trinity.

See amongſt the Precedents *Tit. Conventicles* and *Diſſenters*.

CHAP.

CHAP. LI.

Dying.

ANY Juſtice upon Information againſt any Perſon ſuſpected to offend this Statute, againſt the uſing Logwood, may by Warrant convene the Party before him, and examine him or others upon Oath; and finding the ſame, ſhall bind him with Sureties to the next Gaol delivery, or Seſſions, and certifie thither the Examination; and if ſuch Perſon refuſe to be bound, may ſend him to the next Gaol, to remain there till he become bound.

The Juſtices, *&c.* may convict the Offenders, and ſet them in the Pillory, and the Party ſhall forfeit 20 *l.* 29 *Eliz. cap.* 11.

Two Juſtices where Logwood is found may cauſe it to be burnt.

CHAP. LII.

Egyptians.

EEvery Juſtice, *&c.* within a Month after their Arrival, may ſeize the Goods of any Perſons calling themſelves *Egyptians*, and keep the ſame, one Moiety whereof to himſelf, the other to the King; but if ſuch Goods be proved to be ſtollen, they ſhall be reſtored upon payment of the Forfeiture of the double value, 22 *H.* 8. *cap.* 10.

After the Month this Offence is Felony by the Statute, 1 *&* 2 *Ph. & Mar. cap.* 4. 5 *Eliz. cap.* 10. *Quære*, If theſe Statutes of *H.* 8. be not Repealed by the foreſaid Statute.

Note, That by theſe later Statutes the Word *Egyptians* is extended to counterfeit Rogues and Vagabonds *Engliſh* and *Welſh*.

CHAP. LIII.

Eſtreats.

THE Clerk of the Peace ſhall deliver to the Sheriff an Eſtreat of all Fines, *&c.* and ſhall alſo deliver up into the *Exchequer* a perfect Schedule of ſuch Eſtreats upon pain of 50 *l.* to the King and to the Informer, 22,23 *Car.* 2. *&c.*

No Juſtice or Clerk of the Peace ſhall ſpare, *&c.* any Indictment, *&c.* upon pain to forfeit the treble value, See *Stat.* 43 *Ed.* 3. *cap.* 9. 7 *H.* 4. *cap.* 3. *Weſt.* 2. *cap.* 9.

The Eſtreats muſt mention for what Offence the Fine was impoſed, *Lane* 55.

CHAP. LIV.

Examination.

A Juſtice of Peace cannot detain a Perſon ſuſpected in Priſon, but during a convenient time only to examine him, which the Law intends to be three days, *Cro. El.* 329.

CHAP. LV.

Excile.

FOR the Duty of Excile ſee the ſeveral Statutes, 12 *Car.* 2. *cap.* 23, 24. 15 *Car.* 2. *cap.* 11. and 22, 23 *Car.* 2.

All Forfeitures without the City of *London* be ordered by one Juſtice of the Peace; in caſe of his neglect or refuſal, then within fourteen days by the Sub-Commiſſioners, from whom an Appeal lies to the Seſſions, where it ſhall be fineable.

The Oath of an Officer of the Excile ſhall be adminiſtred by two Juſtices; no Officer in the Excile, ſhall be a Juſtice of the Peace; no Officer ſhall take a Bail upon pain of 10 *l.* which upon Proof of two Witneſſes ſhall be levied by the Warrant of two Juſtices.

Juſtices

Juſtices ſhall meet at leaſt once a Month to hear Matters of Exciſe.

By *Stat.* 1 *W. & M. cap.* 24. As well Juſtices of Peace as Commiſſioners of Exciſe or Appeals have power to hear and determine Complaints between the Brewers and Gaugers.

No Commiſſioners or other Perſons imployed about the Duty of Exciſe ſhall receive from any Collectors, Surveyors, Gaugers, *&c.* any Fee or Reward upon Pain of Forfeiting their Office, upon proof by two or more credible Witneſſes before two of their Majeſties Juſtices of Peace.

Juſtice of Peace may ſend Summons for a Witneſs to be Evidence againſt one that is accuſed, and if the Party refuſes to give open Evidence, the Juſtice may fine him, *Stat.* 2 *W. & M.*

2 *W. & M.* 3. Grants to their Majeſties for their Lives, and the Life of the Survivor of them certain Impoſitions upon Bear, Ale and other Liquors.

5 *Jan.* 1690. 2 *W. & M.* For encouraging diſtilling of Brandy and Spirits from Corn, *&c.* from 24 *Decemb.* 1690. to 25 *Dec.* 1695. the Rates to be raiſed, *&c.* and under ſuch Penalties, as by Act 12 *Car.* 2. For taking away the Court of Wards, *&c.* and ſetling a Revenue in lieu thereof; and the Act 15 *Car.* 2. for better ordering and collecting Duties of Exciſe, or by any other Law in force relating to Exciſe.

3 *&* 4 *W. & M.* An Act for better ordering and collecting the Duty upon Low Wines and Strong Waters, and preventing the Abuſes therein; the Recoveries to be ſued for, recovered and levied, as laſt above.

CHAP. LVI.

Extortion.

NO Sheriff, *&c.* by colour of Office ſhall take to their uſe for Arreſts, *&c.* any more than 20 *d.* to the Sheriff, Bailiff 4 *d.* Gaoler 4 *d.* making of Return, *&c.* 4 *d.* for Obligations, *&c.* 4 *d.* 23 *H. 6. cap.* 1.

The Offender ſhall loſe to the Party treble damages, and be fined 40 *l.* half to the King, half to the Informer. No Sheriff, Bailiff, *&c.* ſhall carry or convey any Perſon in his Cuſtody to any Tavern, Ale-houſe, *&c.* ſo as to charge him with any Sum or Sums of Mony there, more than what he ſhall willingly call for, and freely give, nor take any more

more than reasonable for his Lodging and Expences, 22, 23 *Car.* 2.

Extortion is an Offence at Common Law punishable by Fine and Imprisonment; and where any Act by Common or Statute Law is to be done by an Officer, he ought to do the same without taking any Fee, unless by Statute or lawful usage, a reasonable one be allowed him; and where any Officer either at Common Law or in the Ecclesiastical Court, shall take any other or more Fees, he may be punished at the Sessions by Indictment, See *Stat.* 21 *H.* 8. *cap.* 5. 22, 23 *Car.* 2. 23 *H.* 8. What Fees are allowed to Ordinaries, *&c.* for Probate of Wills and granting Administrations, see the 4 *Inst.* 336.

Its Extortion to take one peny from the Party arrested. Extortion in the Spiritual Court punishable at Common Law, *Palm.* 318.

CHAP. LVII.

Felonies.

ANY Justice may cause fresh Suit and Search to be made by Sheriffs upon any Theft or Robbery, if that the Constables arrest the Person suspected, and that by Power of the first *Assignavimus* in their Commission, and may also take the Examination of Persons suspected for Felony before him, 2 *&* 3 *Ph. & M. cap.* 10.

He must put the same Examination into Writing, and certifie to next Goal delivery, and then commit the Offender, unless he be bailable, which must be done by two Justices, *Ibid.*

The Informer and Witnesses must be bound thither by Recognizance, unless the Informer be unable to travel, then he must only take his Oath and certifie it, 2 *Inst.* 51. the Case of Justice *Richel*, 1 *H.* 8.

If the Justice do not certifie and bind over, *&c.* he shall forfeit at the discretion of the Justices of Gaol Delivery; otherwise for Petty Larceny, or small Felonies determinable in the Sessions, it is advisable that he bind him over and certifie.

The Justices by the Statute 18 *Ed.* 3. *c.* 2. 34 *Ed.* 3. *c.* 17. 3 R. 2. *cap.* 10. may give Judgment upon all Felonies not restrained by the Statute of *Ph. & M. cap.* 2. and so in their Commission.

They

They have Power likewiſe by ſeveral Statutes to determine theſe Felonies, *viz.* Souldiers departing without Licence; Felonies preſented in the Torn, cutting Powdike, Beggers, tranſporting Sheep, incorrigible Rogues, wandring Souldiers and Marriners, carrying Men forcibly out of *Cumberland*.

But theſe Felonies they cannot enquire of, 1. Felonies committed by the Kings Servants, by the Statute of 3 *H.* 7. *cap.* 14.

2. Murders or Manſlaughter within the Kings Palace, 33 *H.* 6. *cap.* 12.

3. Imbezelling or raſing of Records, 8 *H.* 6. *cap.* 12.

4. Forging of any Deed or Writing, 5 *Eliz. cap.* 9.

Note, If any thing be made Felony by Statute the Juſtices of Peace cannot enquire of it, unleſs they be named, neither are they comprehended under the general Words of Juſtices of *Oyer* and *Terminer*.

5. Servants imbezelling their deceaſed Maſters Goods, 33 *H.* 6. *cap.* 3. *Cromp.* 56. *Dalt.* 529.

Where Murder or Felony is committed in one County, and the Acceſſory in another; an Indictment taken by Juſtices of the Peace, where the Acceſſory is committed is good. See 2 & 3 *Ed.* 6.

Laſtly, Juſtices of the Peace cannot try ſuch as are Indicted of Felony before the Coroner, Juſtices of Gaol Delivery, or of *Oyer* and *Terminer*.

Some Caſes of Treaſon, the Juſtices may enquire of, As 1. Maintenance of the See of *Rome*, *&c.* 2. Such as ſhall obtain Bulls from *Rome*, *&c.* 3. Such as ſhall draw a Subject to the *Romiſh* Church. 4. Such as ſhall bring in any *Agnus Dei*, Beads, *&c.* 5 *Eliz. cap.* 1. 13 *Eliz. cap.* 2. 23 *Eliz. cap.* 1.

Felonies by Statute.

If any Perſon being the Kings ſworn Servant ſhall confederate, imagine, compaſs or conſpire with another to deſtroy the King, or any Lord, or other ſworn of the Kings Council, or the Steward, Treaſurer or Comptroller of the Kings Houſe, 'tis Felony, 3 *H.* 7. *cap.* 14.

It is Felony to break Priſon by any Perſon there in Cuſtody for Felony, 1 *Ed.* 2. *p. Felon.* 15.

He is ſaid to be ſuch a Priſoner that is under Arreſt, whether without the Priſon or within, *Dyer* 99. and if any ſuch Priſoner makes his Eſcape, this is breaking of Priſon within the Act, 1 *Ed.* 3. 17.

If

If the Priſon be ſet on Fire by accident, if any Priſoner therein for ſaving himſelf, break the Priſon, this is no Felony, but it is an Act excuſable by the Law of Nature, *Plowd. fol.* 13. *b.* 14 *H* 7. 29.

If a Stranger break the Priſon, or make a Reſcue whereby a Priſoner for Felony makes his Eſcape, this is Felony both in the Priſoner and Stranger, 1 *H.* 7. *b.* 1 *Ed.* 3. 17. *Dyer* 99. So it is of Reſcuing one at the Gallows to Execution, for this is breaking of Priſon within the Statute.

If any Perſon permitteth a Priſoner that is in his Cuſtody for Felony to eſcape, ſuch Permiſſion is Felony in the Keeper, but not in the Priſoner; but if the Priſoner eſcape by the negligence of the Keeper, this is only Felony in the Priſoner, 44 *Aſſ.* 18. *Bro. Eſcape* 31. *Stamf.* 31.

Note, An Eſcape is properly when a Priſoner eſcapes, and gets out of the view of his Keeper, *Stamf.* 33. *Bro. Eſc.* 4. 35.

Note, That a voluntary Eſcape is no Felony, if the act done was not Felony at the time of their Eſcape made; as if *A.* give *B.* a mortal Wound, and the Conſtable arreſt *A.* and after wilfully ſuffer him to eſcape, *B.* dies, this Eſcape is no Felony neither in the Conſtable or Priſoner, 18 *H.* 4. 12. *Plowd.* 258. 263. 401. *Bro. Reſc.* 17.

Note, That if a Man be committed but for Suſpicion of Felony, and the Keeper ſuffers him voluntarily to eſcape, yet this is Felony though the Priſoner was never indicted, 44 *Aſſ.* 12. *Bro. Eſc.* 31. *Dyer* 99.

If a Man be arreſted for ſuſpicion of Felony, and thoſe that arreſted him receiving intelligence there is no Felony done, do thereupon diſcharge him, this is no Felony nor Eſcape; for there can be no Felon, but where there is a Felony committed, 11 *H.* 7. *fol.* 7. *Crompt.* 40. *Cro.* 34.

But if a Felony be committed, and a Perſon be arreſted upon ſuſpicion thereof, though he appears innocent of the Fact, yet thoſe that arreſted him cannot diſcharge him, and if they do 'tis Felony, 44 *Aſſ.* 12. *Crompt.* 40. *Cro.* 14.

If a Juſtice of Peace ſhall deliver a Priſoner for Felony without Bail, this is Felony; but if he bail one that is not bailable, this is only a negligent Eſcape, 25 *E.* 3. 36. 43.

If one be brought before a Juſtice of Peace for Suſpicion of Felony, and confeſs the Felony before the Juſtice, and he ſuffer him to go at large, without Bail, this is voluntary Eſcape, *Cro.* 39.

Cutting any one of the Kings Subjects Tongues, or putting out their Eyes, of a Malice prepenſed, is Felony, *P. Felony* 19.

If

If any Perſon ſhall of Malice fore-thought, or by lying in wait ſhall cut or diſable the Tongue, put out an Eye, ſlit the Noſe, cut off a Noſe or Lip, or cut off or diſable any Member of him with an intention to maim him or diſfigure him, 'tis Felony in him and his Abettors, 22 & 23 *Car.* 2.

It is Felony without benefit of Clergy to ſteal Cloth, or any other Woollen Manufactures from the Tenters in the Night, 22 *Car.* 2.

It is Felony maliciouſly to break down any Powdike or other Banks in Marſh Land, 2 & 3 *Ph. & M. cap.* 19.

Conjuration or Invocation of any Evil Spirit for any intent, *&c.* or to be counſelling or aiding thereunto is Felony without benefit of Clergy, 1 *Jac. cap.* 12.

To conſult, covenant with, or entertain, *&c.* any Evil Spirit, *&c.* is Felony in ſuch Offenders, Aiders and Counſellors, *Ibid.*

To take up any dead Body, or part thereof, to be imployed or uſed in any manner of Witchcraft is Felony in ſuch Offenders, their Aiders and Counſellors, *Ibid.*

It is Felony in the Offenders, Aiders and Counſellors to uſe or practiſe Witchcrafts, Inchantments, Charm or Sorcery, whereby any Perſon ſhall be killed, pined or lamed within any part of his Body, *Ibid.*

To practiſe Witchcraft, thereby to declare where any Treaſure may be found, or where any Goods loſt or ſtolen may be found, or where any Cattle or Goods ſhall be deſtroyed or impaired, or to the intent to provoke any Perſon to Love, or with an intent to hurt any Perſon in his Body, though it be not effected, every ſecond Offence is Felony without benefit of Clergy.

Imbezelling of the Kings Ordnance *&c.* by any Perſon having the Charge or Cuſtody thereof to the value of 20 *s.* though at ſeveral times, Felony, 21 *Eliz. cap.* 4.

Imbezelling of any Record or parcel thereof, *&c.* in any of the Kings Courts at *Weſtminſter* (by reaſon whereof any Judgment ſhall be reverſed) 'tis Felony in the Parties, their Counſellors, Procurors and Abettors, 8 *H.* 6. *cap.* 12.

It is Felony without the benefit of Clergy to ſteal or imbezel any of the Kings Sails, Cordage, or Naval Stores to the value of 20 *s.* 22 *Car.* 2. Continued by 1 *Jac.* 2. for ſeven years, and continued by 4 & 5 *W. & M. cap.* 24. from 13 *Feb.* 1692. for ſeven years.

If any Perſon of the Age of fourteen years or above, ſhall call himſelf an *Egyptian*, or ſhall be in company of ſuch, or ſhall diſguiſe himſelf in Apparel, Speech or otherwiſe like ſuch, and ſhall be, or continue in *England* one Month, at one or ſeveral times, 'tis Felony without benefit of Clergy, 1 & 2 *Ph. & M. cap.* 4. 'Tis

'Tis Felony without benefit of Clergy to acknowledge any Fine or Recovery, Deed enrolled, Statute Recognizance, Bail or Judgment in the name of any other Person not privy or conſenting thereunto, 21 *Jac. cap.* 26.

By the Statute of 27 *Ed.* 3. *cap.* 11. it is made Felony to foreſtal or buy any Merchandize before they come to the Staple.

If any Gaoler by Dureſs of Impriſonment, ſhall enforce any Priſoner to become an Approver, this is Felony in the Gaoler, although the Appellee be acquitted, or happen to die before he be arreſted upon the Appeal, *Staunf.* 36. 18 *E.* 3. 10.

If any Perſon find any Hawk that is loſt, and doth not immediately bring the ſame to the Sheriff of the ſame County to be proclaimed, *&c.* but doth imbezel and carry away the Hawk, it is Felony, 34 *Ed.* 3. 22. the 27 *Ed.* 3. 19. *p. Felon.* 20.

If any Perſon hurt any Deer or Conies in any Park, Foreſt or Warren unlawfully in the Night time, with Vizards or other Diſguiſes, and upon Examination by a Juſtice of Peace, conceal the Offence, or any Offender therein, 'tis Felony in ſuch Concealers; but if the Offender upon his Examination confeſs the whole matter, then he is but fineable, 1 *H.* 7. *cap.* 7. *p. Felony* 24. *Lamb.* 271. *Dyer* 50.

To take any tame Beaſt, or other thing in a Park, by manner of Robbery, it is Felony, 3 *Ed.* 1. *cap.* 20. *p. Felony* 14.

If any married Perſon ſhall marry a ſecond Husband or Wife, the firſt being alive, *&c.* 'tis Felony, except the Husband and Wife be abſent ſeven years, and the one not knowing the other to be living within that time; except alſo Perſons divorced by Sentence in the Eccleſiaſtical Court, and likewiſe Perſons marrying within the Age of Conſent, 1 *Jac.* 11. *p. Felony* 4.

This Act repealed, and Multiplication encouraged by 1 W. & M. cap. 30.

Multiplication of Gold or Silver, or to practiſe that Art, is Felony, 5 *H.* 4. 4. *Vid. Dyer* 18. *Plowd.* 105.

If any Perſon infected with the Plague be commanded by an Officer to keep his Houſe, ſhall notwithſtanding go abroad and converſe in company, having an infectious ſore upon him, 'tis Felony, 1 *Jac.* 31.

Wilful poiſoning of any Perſon is wilful Murder in the Offenders, Aiders, Abettors, Procurers and Counſellers, but the Party ſo poiſoned muſt die thereof within a year and a day after the Poiſon received, 1 *Ed.* 6. *cap.* 12. 11 *Co. Lib.* 12. 31.

To receive, relieve, aid or maintain any Popiſh Recuſants, it is Felony, *P. Jeſuits* 2.

'Tis

'Tis Felony without benefit of Clergy for any Popish Recusant, or such other Recusants or Sectary (which by the Statute 35 *Eliz.* 1 *and* 2.) are to abjure, if they refuse to abjure, or after Abjuration do not depart the Realm, according as they shall be appointed, or after such departure, shall return again without the Kings special Licence, in that behalf first obtained.

The Rebellious or unlawful Assembly of any Persons to the number of twelve or above, *&c.* their Procurers or Relievers, it is Felony in them all, 1 *M. cap.* 13.

It is Felony for any Rogues, being adjudged incorrigible and dangerous by the Justices of the Peace of the Sessions, and by them banished the Realm, to return again without Licence, 39 *Eliz. cap.* 4. 3. Rogues adjudged incorrigible or dangerous, being adjudged by the Justices in open Sessions, and branded in the left Shoulder, *&c.* shall after such Punishment offend again in begging or wandring contrary to the Statutes, 36 *Eliz. cap.* 10. 1 *Jac. cap.* 7. 'tis Felony.

'Tis Felony without benefit of Clergy to rob in the day time any Dwelling-House, or any Out-House belonging or used, to or with the same; if the thing so robbed be of the value of 5 *s.* or above, although no Person be therein, or to rob any House by day or night any Person being therein, and thereby put in fear; or to rob any Person in any part of his dwelling place or House, the Owner or Dweller, his Wife, Children or Servants, being therein; or in any place within the Precinct of the same Dwelling House, or to rob any Booth, or Tent, in any Fair or Market, the Owner, his Wife, Children, or any Servant being there within the same, 39 *Eliz.* 15. 11 *Co.* 36.

If any Souldier that is a Subject shall pass out of this Realm to serve any Foreign Prince, *&c.* not having before their passing taken the Oath of Allegiance, *&c.* before the Officer thereunto appointed, 'tis Felony.

If any Gentlemen, *&c.* or Person of higher Degree, or any Captain or any Officer in Camp, shall pass out of this Realm to serve any Foreign Prince, *&c.* or shall voluntarily serve any Foreing Prince, *&c.* before they shall become bound to the Kings Majesty with two Sureties (before the Officer thereto appointed) with Condition to this Effect, *viz. Not to be reconciled to the Pope, nor to make or consent to any Conspiracy against the King,* &c. *but disclose all Conspiracies upon knowledge thereof,* &c. 'tis Felony.

If any Souldier who is retained, or hath taken any Press Mony shall depart out of the Kings Service without Licence, 'tis Felony, 7 *H.* 7. 3. 3 *H.* 8. 5.

'Tis

'Tis Felony without benefit of Clergy for any Souldier to depart without Licence after they have ſerved in the Kings Wars, and none but the Lieutenant ſhall give ſuch Souldiers Licence to depart, 2 *Ed. 6. cap.* 2. 6 *Co.* 27. See 4 and 5 *Ph. & M. cap.* 3.

Souldiers and Mariners, and ſuch as wander about under that notion, which ſhall not ſettle themſelves to ſome lawful courſe of Life, but wander about idly, or beg, 'tis Felony without benefit of Clergy, 39 *Eliz.* 17.

So if any ſuch Souldier or Marriner coming from Sea, ſhall not have a lawful Teſtimonial under the Hand of one Juſtice nigh the place of his Landing, certifying the place and time of his Landing, and place to which he is to go, and time for his Paſſage, *Ibid.*

Or if he have ſuch Certificate, in caſe he exceed the time limited above fourteen days, or if he forge a Teſtimonial or make uſe of one forged, knowing the ſame.

Or if he be retained in a Service after his Arrival, and depart there from within a year, without leave of his Maſter, in all theſe Caſes it is Felony without benefit of Clergy.

Juſtices may determine the Offences of Souldiers, *&c.* and alſo concerning any other idle Wanderers; but if any Subſidy Man or honeſt Freeholder, will take any ſuch Perſon into Service, the Juſtice muſt allow of it, ſo as he be bound for a year, and that ſuch Maſter be bound in a Recognizance of 10 *l.* to keep him out his time, and then to bring him to the next Seſſions. If he depart before the year, he ſhall be judged as a Felon and be debarred of his Clergy, *Ibid.*

Souldiers and Mariners begging or counterfeiting a Certificate from their Captain, ſhall be puniſhed as Rogues by Statute, 43 *Eliz.* 3.

Sending any live Sheep out of the Kings Dominions, the ſecond Offence is Felony, 8 *Eliz.* 3.

To raviſh a Woman, which conſenteth not before, nor after, or to raviſh any Woman by force, although ſhe conſent after, it is Felony without benefit of Clergy, 18 *Eliz. cap.* 6.

If a Woman at the time of the ſuppoſed Rape conceive with Child by the Raviſhers, this is no Rape, *Stamf.* 24.

It is a good Plea in Rape, to ſay, that before the ſuppoſed Raviſhment, that ſhe was his Concubine.

To take any Maid, Widow or Wife (having Lands or Goods or being an Heir Apparent) againſt their Will 'tis Felony, and to receive any ſuch Man knowing thereof, and to abet the ſame, it is Felony, and ſuch ſhall be reputed Principals, and loſe the benefit of Clergy, 39 *El. c.* 9.

To

To know carnally any Woman Child under the Age of nine years, it is Felony without benefit of Clergy, 18 *El.* 7. *Crompt.* 49.

To take a Mans Wife with her Husbands Goods, whether it be againſt her Will or her Husbands, it is Felony by *Weſt.* 2. *cap.* 34. the ſame Opinion in *Stamf.* 94. and *Cromp.* 35.

If any Woman be delivered of a Baſtard Child which is found dead, and ſhe endeavour by any manner of way to conceal the ſame, this is Murder except ſhe prove that it was born dead, 21 *Jac.* 27.

If any Perſon in the night ſhall wilfully burn or cauſe to be burnt, or deſtroyed any Rick, or Stack of Corn, Hay or Grain, Barns or other Out-Houſes, or Buildings, or deſtroy or kill any Horſes or Sheep, it is Felony, 21 & 22 *Car.*

But if any one convict upon this Statute ſhall chuſe to be tranſported, the Judgment ſhall be entred accordingly, and that he remain tranſported for ſeven years, and the Sheriff ſhall imbark him; if he return within his time, he ſhall dye as a Felon, *Ibid.*

If any one in the Night time ſhall maliciouſly wound any Horſes, Sheep or Cattle, or deſtroy any Plantations of young Trees, or throw down any Incloſures, he ſhall forfeit treble damages to the party grieved, to be recovered by an Action of Treſpaſs or Caſe, 22 & 23 *Car.* 2.

Upon Complaint any three Juſtices (*Quorum unus*) may enquire by the Oath of twelve Men, or by Witneſſes or otherwiſe, fitting, touching Offenders againſt this Statute, and may call ſuch Perſons as are like to make diſcovery, and examine them upon Oath, iſſue Warrant for ſummoning a Jury, and apprehend the Offenders, and try the Matter. No Perſon ſo examined ſhall be proceeded againſt for ſuch Matters as he ſhall diſcover. And if any Perſon ſhall refuſe to appear to be examined, or to make diſcovery, he ſhall be committed without Bail till he ſubmit thereto, *Ibid.*

None ſhall be puniſhed by this Act who hath been puniſhed by another Statute for the ſame Offence, nor be proceeded againſt but within ſix Months after the Fact.

If any export, &c. out of *England* or *Ireland* into other Kingdoms any Wool, Woolfels, Mortlings, Shorelings, Yarn, Wool-flocks, or Fullers-Earth or Lead, &c. in any Veſſel with intent to tranſport it, the ſame being of the growth of theſe Kingdoms, 'tis Felony, 14 *Car.* 2. *cap.* 18. An Act made 1 *W. & M. For preventing Exportation of Wool*, continued from 13 *Feb.* 1692. for three years by 4 & 5 *W. & M. cap.* 24.

Every Owner of Ship, Horſe or Carriage on which the ſame ſhall be laded to be exported, and every Mariner of ſuch Ship, and every Servant Cuſtomer, *&c.* conſenting thereto, ſhall be a Felon, *Ibid.*

No Perſon ſhall be impeached for theſe Felonies, unleſs he be indicted within four years after the Fact committed, *Ibid.*

If the Owner, Maſter or any Mariner of the Ship, ſhall within three Months after knowledge thereof, or return into *England* or *Ireland*, give the firſt Information *bona fide* to the Barons of either Kingdom, or Head Officer of the Port he arrives at, upon Oath, and what the Goods were, by whom, where, and in what Veſſel, and be ready upon Proceſs to juſtifie the ſame, he ſhall be excuſed of Felony, but be liable to other Forfeitures, *Ibid.*

Beſides theſe Felonies by Statute Law ſeveral other Felonies there are by Common Law, As,

The burning of a Dwelling-Houſe or Out-Houſe thereunto adjoyning, whether the ſame be done by night or by day, *Bro. Coron.* 135, 155, 226.

So to burn a Barn in the day time having Corn in it, though it doth not adjoyn to a Dwelling-Houſe, 4 *Co.* 20.

So likewiſe as it ſeemeth the Law is for burning of Stacks of Corn, See *Weſt.* 1. *cap.* 15.

If a Man burn his own Houſe willingly; *Quære*, whether this be Felony, See *Coro. Ruſſel's* Caſe.

Reſcuing a Priſoner arreſted for Felony, is Felony, in the Reſcuſſor, as well in the Party himſelf as in others, *Bro. Corom.* 127, 130. *Stamf.* 21.

If a Man be arreſted for Felony and he that hath arreſted him letteth him go at large, this is a wilful Eſcape in him and Felony, 9 *H.* 4. 12. See the Statute *de frangentibus Priſonam*, 1 *Ed.* 2.

Such Perſons as ſhall buy or receive any Goods or Chattels that ſhall be felonioufly taken or ſtoln from any other, knowing the ſame to be ſtoln, he or they ſhall be deemed an Acceſſory or Acceſſories to ſuch Felony after the Fact, and ſhall incur the ſame puniſhment as an Acceſſory to the Felony after the Felony committed.

3 *&* 4 *W. & M.* 20 *Martii* 1689. continued to 22 *Octob.* 1691. See *Tit. Lodgers.*

Its Felony to ſteal Pidgeons out of a Dove-Coat, *Het*, 147, *Litt. Rep.* 311.

If a Shepheard ſteal Sheep its Felony, *Owen* 52.

By the Conviction of a Felon his Goods are forfeited, 12 *Co.* 121. Felony to ſteal a Winding Sheet, 12 *Co.* 112.

Obſerve

Obſerve theſe Rules concerning Felonies.

If a Felony be committed in the Reign of one King, the Party may be arraigned for it in the Reign of another King, *Bro. Coron.* 178.

If a Felony be committed in one County, and the Offender be taken in another, and brought before a Juſtice, he ſhall be impriſoned there, from whence he ſhall be removed by the Kings Writ unto the Gaol of the County, where the Felony was committed, and the Witneſſes ſhall be bound to proſecute in the ſame County, 13 *Ed.* 4. 9. *Bro. Freſh Suit* 3.

If Goods be ſtoln in one County, and carried by the Thief into another, it is Felony in every County, where they are ſo carried, and may be indicted accordingly, 7 *Co.* 2.

If a Man ſteal Goods, and then another ſtealeth them from him, the Owner may charge either of them with the Felony, 13 *Ed.* 4. 3. 4 *H.* 7. 5.

If a Man deliver Cloth to a Taylor to make a Garment, and it be ſtoln from him, the Offender may be charged for the ſame either at the Owners or Taylors Suit, *Cro.* 70.

The Kings Officer may break open any Mans Houſe to apprehend any Felon, or any Perſon that is ſuſpected of Felony, being in the ſaid Houſe.

If the Sheriff or Bailiff, *&c.* having a Warrant to arreſt for Felony, kill the Offender, who will not obey or ſuffer himſelf to be arreſted, 'tis not Felony in the Officer.

So a Perſon that purſues by Huy and Cry, or otherwiſe, has Authority to arreſt a Felon that flies.

If a Felon break from thoſe who are leading him to Gaol, if they cannot otherwiſe take him, he may be killed, for their Authority excuſes them, See *Co. Pl. Cr.* 221. *Cro. fol.* 27.

If one cut and carry away Corn at the ſame time, its not Felony; but if he cut it and lay it by, and carry it away afterwards, its Felony, *Mod. Rep.* 89.

See Chapter Forceable Entry. See the ſeveral ſorts of Felonies in their reſpective Titles.

CHAP. LVIII.

Fees of Juſtices.

EVery Juſtice for each day they keep their Seſſions, may take 4 *s.* his Clerk 2 *s.* of the Fines of the Seſſions, by the Sheriffs Hands, except ſuch Juſtices be Duke, Earl or Baron, 12 *R.* 2. *cap.* 10. 14 *R.* 2. *cap.* 11.

For enrolments of Lands not worth above 40 *s. per ann.* to the Juſtice 1 *s.* the Clerk the other; if above 40 *s. per ann.* to the Juſtice 2 *s.* 6 *d.* and ſo his Clerk, 27 *H.* 8. *c.* 16.

A Perſon licenſed to keep an Alehouſe, ſhall pay but 12 *d.* for his Recognizance, 5 *Ed. cap.* 25.

Juſtices, Majors and Head-Officers for every day they ſit to execute the Statute of Labourers not exceeding three days, 5 *s. per diem* each of them out of the Fines coming by the Statute, 5 *Eliz. cap.* 4.

In all other Matters a Juſtice is directed by his Oath, which is to take nothing for his Office of Juſtice of the Peace to be done but of the King, and Fees and Coſts given by Statute.

CHAP. LIX.

Felo de ſe.

IF a Man do voluntarily murder or kill himſelf by any means or ways, he is a *Felo de ſe*, all his Goods and Chattels and Debts due upon Specialties, are forfeited to the King, but not till his death be found by the Coroner.

One gives himſelf a Mortal Wound, and dies thereof within the year and day after, he is alſo a *Felo de ſe.*

If *A.* having his Dagger drawn, be purſued by *B.* to kill him, and *A.* falleth down by accident, and *B.* through haſt falls upon his Dagger, in this Caſe *B.* is a *Felo de ſe*, Sir *Fran. Bacon* 4. 5.

A. diſcharges a Muſket with a felonious intent at *J. S.* and miſſeth him, and it breaks and kils him that fired it, he is a *Felo de ſe.*

If an Infant or a *Non compos mentis* kill himſelf, he forfeits nothing, and ſo a Lunatick, if the Blow, *&c.* (which was the

the Cauſe of his Death) be given in time of his Lunacy, though he die thereof, when he is of ſound Memory.

If the Body of the *Felo de ſe* be hid, ſo that the Coroner cannot find him, to enquire of the Death, *ſuper viſum corporis*, then the Juſtices of the Peace may enquire of the Felony, and a Preſentment thereof made before them, entitles the King to the Goods, *&c.*

CHAP. LX.

Fiſh.

EVery Juſtice is a Conſervator of Rivers, and of the Statutes relating to them, See 13 *Ed.* 1. *cap.* 7. 13 *R.* 2. *cap.* 19. 17 *R.* 2. *cap.* 9. and may ſwear all Conſervators.

He ought to burn Nets or Engins put into the Water to deſtroy the Fry of Fiſh; and for the ſecond Offence impriſon the Offender for a quarter of a year; for the third Offence, for a whole year; and as Offences increaſe, increaſe their puniſhment, *Ibid.*

By Warrant of one Juſtice, the Conſtable, *&c.* may levy the Forfeitures of Offenders in deſtroying the ſpawn of Fiſh, 3 *Jac. cap.* 12.

No Perſon within five Miles of the Mouth of any Haven ſhall fiſh with any Drag-Net, under three Inches meſh, except for taking of Herrings, Pilchards and Sprats, or Salmons, in *Norfolk* only.

No Perſon in any Harbour, *&c.* ſhall fiſh with any Net made with Canvaſs, or other device, whereby the Spawn may be deſtroyed, for the Offence hereof the Nets and 10 *s.* in Monies ſhall be forfeited to the Poor, and to him that will ſue, to be levied by the Major and by Warrant from one Juſtice, *Ibid.*

Such as ſhall take Fiſh by unlawful Means or devices in any River, Stew, Pond or Mote or other Water without the conſent of the Lord or Owner of the Water, and be convicted by Confeſſion or Oath of one Witneſs before one Juſtice, ſhall pay for ſuch Damages, as the ſame Juſtice ſhall think fit, not exceeding treble, and to pay to the Overſeers for the Poor ſuch Sum as the Juſtice ſhall think fit, not exceeding 10 *s.* and in default to be levied by Diſtreſs and Sale of Goods, and for want thereof to be committed for ſuch time, not exceeding one Month, as the Juſtice ſhall think fit, unleſs

he give Surety to the Parties injured, not exceeding 10 *l.* never to offend in the like manner, 22 & 23 *Car.* 2.

Such as ſhall take Fiſh unlawfully in the River of *Severn* ſhall forfeit 5 *l.* and the Fiſh and Inſtruments; if deſtroys the Spawn, forfeit 40 *s.* and the Inſtruments.

The Juſtices of Peace of *Worceſter*, *Sulop* and *Glouceſter* are Conſervators of the ſaid River, one or two of them may iſſue Warrants to ſearch ſuſpected Houſes for unlawful Inſtruments, the Offenders to be puniſhed by Information or Indictment at the General Seſſions of the Peace, one Moiety to the uſe of the Poor of the Pariſh, the other to the Proſecutor, 30 *Car.* 2. *cap.* 9.

Touching Fiſhing for Pilchards, See the ſaid Statutes, and 15 *Car.* 2. *cap.* 15. 14 *Car.* 2. *cap.* 8.

Any Perſon may ſeize any Ling, or Herring taken by any Foreigner and imported, one moyety to himſelf, the other to the Poor, 18 *Car.* 2. *cap.* 2.

Any Juſtice in Lent may ſearch Victualling Houſes, and finding Fleſh there may give it to the Poor, 1 *Jac.* c. 29.

Vid. Games.

CHAP. LXI.

Forceable Entry.

What is to be done by Juſtices of the Peace about forceable Entries.

ANY Juſtice on notice of a Forceable Entry into, or holding or detaining of any Poſſeſſion at the charge of the Party grieved, ſhall make due Execution of the Statutes following.

1. He ſhall go to the place, and if need be, the Sheriff with him to arreſt the Offender, and remove the force, and ſuch as refuſe to aſſiſt, ſhall be impriſoned and fined.

2. He ſhall take away the Arms and Weapons of ſuch Perſons, and priſe them to the King as forfeited, and if the Offender make reſiſtance in keeping his Entry, may break open the Houſe; if no reſiſtance or ſhew of Force the Sheriff cannot arreſt him.

3. He may record the Force, and this upon his own view which ſhall be a ſufficient Conviction to be traverſed, the Record hereof the Juſtice can keep by him or make it indented, and certifie one part to the Kings Bench, or leave it with the Clerk of the Peace.

4. He

4. He muſt commit immediately ſuch Perſons as he ſees continuing the Force, until they pay a Fine to the King, or give Security for the ſame.

5. The Juſtice which ſhall ſee the Force is the proper Judge of this Offence, and may aſſeſs the Fine, which muſt be ſeveral and not joynt, which muſt be eſtreated, and ſent into the *Exchequer*, whereupon or upon payment of the ſame, or Surety for the ſame by Recognizance the Offenders are to be delivered. It is held that the Juſtice may record the Force, commit the Offender, and certifie the Record to the Aſſizes or General Seſſions, that the Fine may be there ſet, as ſome are of Opinion, or elſe that he may certifie and deliver the Record into the Kings Bench, which is the ſafeſt Courſe.

6. Alſo the Juſtice (notwithſtanding his own view) ought to enquire by a Jury, in ſome Town near by at the coſt of the Party grieved, as well of the forceable Entry as Detainer, 8 *H.* 6. *cap.* 9.

Note, This Enquiry muſt be made whether the Offenders be gone, or continuing at the coming of the Juſtice, for without it there can be no Reſtitution, and it ought to be done preſently, *Crompt.* 124.

If the Sheriff ſhall not duly execute the Precept of the Juſtice to return a Jury, he forfeits 20 *l.* and the Juſtice may determine ſuch default, 8 *H.* 6. *cap.* 9.

7. If a forceable Entry, *&c.* be found by the Oath of the Enquirors, the Juſtice ſhall reſeiſe the Lands, and put the Party into Poſſeſſion, but then both the putting and holding out muſt be found.

The Juſtice may either reſtore the Party himſelf or by his Warrant to the Sheriff, or certifie the Indictment, and leave the Reſtitution to the Kings Bench; but the Juſtice of Aſſize, or of the Peace at their Seſſions, cannot make Reſtitution, except the Indictment be found before themſelves.

Majors of Cities and Boroughs in their Franchiſes have the ſame Authority as the Juſtices have in their County at large.

At Common Law one might enter into, and detain with force any Lands or Tenements, where his Entry was lawful.

It is enacted by the Statute of 5 *R.* 2. *cap.* 7. that no Man ſhall enter into any Lands, *&c.* with Force or Multitude though he had a Right or Title of Entry otherwiſe than in peaceable and lawful manner, *Plowd.* 86.

The aforeſaid Statute extending not to a forceable Detainer, or authorizing the Juſtices of the Peace to puniſh

the Tranſgreſſors of it, but by Indictment at their Seſſions, It was provided by another made 15 *R.* 2. *cap.* 2. That if any Man detain, or held with force after ſuch forceable Entry, upon complaint thereof to a Juſtice of Peace, he ſhall preſently take the Power of the County, and come and view the ſame, and by his View and Record of the Force ſhall convict and impriſon the Offenders until they make Fine to the King.

Becauſe the aforeſaid Statute made no Proviſion againſt ſuch as enter peaceably, and after detain with Force, nor had the Juſtice any Power to puniſh, *&c.* but upon View of the Force, and if the Offenders were departed before his coming, he could not meddle with them.

But now by the two ſaid Statutes and another made 8 *H.* 6. *cap.* 9. a compleat and full remedy is provided.

1. Againſt ſuch as enter peaceably and hold forceably.
2. Such as enter with Force and then hold peaceably.
3. Such as enter forceably and hold forceably.

What is a Forceable Entry by the Statutes

If any one or more Perſons come weaponed (eſpecially with Weapons not uſually born) to a Houſe or Lands, and ſhall violently enter thereinto, this forceable Entry is within theſe Statutes; ſo having entred peaceably into an Houſe, *&c.* ſhall forceably put another out of his Poſſeſſion.

So if after a peaceable Entry he ſhall uſe any apparent, violent threatning, *&c.* to the intent to get him out of Poſſeſſion, this is forceable Entry though the Poſſeſſion be not quitted by him that held it.

If divers Perſons come with Weapons (not uſually born by them) to an Houſe that is open, *&c.* and enter peaceably without any reſiſtance, yet this is forceable Entry; for it ſhall be intended that they would have uſed Force, if they had been reſiſted, *Lamb.* 14. 6 *Crompt.* 99.

So if the Maſter enter with more than the uſual number of Servants that wait upon him.

An Entry made with force though it be but to cut or take away another Mans Corn, *&c.* or to fell and crop Wood, *&c.* this ſeems to be a forceable Entry, though the Party be not put out of poſſeſſion, *Vid. Lamb,* 145. *Crompt.* 76. 11 *H.* 4. *cap.* 16.

But if the Entry be peaceable, and after with any force or apparent violence, take away Corn, *&c.* Cut or fell Wood, *&c.* it ſeems theſe Acts are not puniſhable by the Juſtices, by virtue of the ſaid Statutes, *Lamb.* 145.

To diſtrain with force for a Rent (though it be due) amounts to a forceable Entry, *Lamb.* 147. *Bro. Force.*

Note

Note, A forceable Entry cannot be without an actual Entry, 2 *H.* 7. *cap.* 16. *Bro. Force* 25.

Note, Alſo it is no forceable Entry for him that hath a right of Entry to go over the Land (though with divers in his Company, and with Weapons) to Church, Market, *&c.* if he do not expreſs his intent, if he enters claiming the Land.

If one enter with force into, *&c.* though no actual Poſſeſſion be obtained, yet it is a forceable Entry puniſhable by the Juſtice; but there is no Reſtituton to be made where not a forceable putting out, or holding out of Poſſeſſion and found by a Jury.

If one whoſe Entry is lawful by fair means, ſhall perſwade him that is in poſſeſſion to quit the Houſe and ſhut the door, this is juſtifiable, if he doth not afterwards hold it with Force.

If I ſhall take a Man being out of his Houſe, and ſend my Servants to take Poſſeſſion in a peaceable manner, and I detain him by impriſoning of his Body, this is not forceable Entry, but a falſe impriſoning, puniſhable by Law.

A forceable Detainer is a violent Act of Reſiſtance by armed Men, *&c.* whereby the lawful Entry of the Juſtices or any other is thereby hindered.

Note, This forceable Detainer muſt be intended of the Poſſeſſion of Lands and Tenements, and not of the Perſon of a Man.

If Poſſeſſion be obtained by a lawful and peaceable Entry, it cannot be ſaid to be detained with Force if he continue peaceably for three years, and then he may keep it againſt all Perſons, but the Kings Officers.

If a Juſtice comes to an Houſe where the Force is ſuſpected to be, and find the Doors and Gates ſhut, and the Party which is within deny him Entrance, this is a Detainer with Force though he ſee no Perſon or Arms, *&c.* and though there be but one Perſon in the Houſe, *&c.*

If Perſons in Harneſs, or otherwiſe armed, or having Harneſs, *&c.* lying ready by them, or any greater number of People than the ordinary Family be in the Houſe, or after peaceable Entry more Weapons, *&c.* (than he or his Family do uſually bear) be brought into the Houſe, or make uſe of ſuch Weapons as (for the defence of the Poſſeſſion) they find there, or if he order Men with Weapons, *&c.* to lie in readineſs in a place not far diſtant, or foreſtal the Way of the Diſſeiſee with Force and Arms, ſo that he cannot enter; or keep Cattle with Force in another Mans Ground, claiming Common where he hath none at all;

theſe

theſe Acts the Juſtice upon View ought to adjudge to be a forceable Detainer.

If *A.* enters upon *B.* wrongfully though peaceably, and put him out of Poſſeſſion, if *B.* comes with an intention to enter, and *A.* threatens to kill him, if he does, this is a forceable Detainer, though only by Words, *Lamb.* 149. *Crompt.* 7. But if *B.* deſires *A.* to open the Door to him, and he denies, this forceable Detainer.

If *A.* be Tenant at the Will of *B.* and *B.* enters and commands *A.* to quit the Poſſeſſion, and he denies it, this is no forceable Detainer, unleſs ſome Act of violence be uſed to maintain the Poſſeſſion.

If a Diſſeiſor make a Gift in Tail to *B.* who after a Claim made by the Diſſeiſor continues the Poſſeſſion with Force, this amounts to a forceable Detainer.

Note, When ever a Mans Entry is lawful, and the Poſſeſſion be detained with Force from him, the Party may pray the Aid of a Juſtice to remove the Force.

Note, Alſo one Perſon alone can commit a forceable Entry or Detainer.

It ſeems an Infant above the Age of fourteen years, may commit a forceable Entry or Detainer; and ſo may a Feme Covert, and ſhe may be impriſoned and fined.

It ſeems a Command, Conſent or Agreement, *&c.* without an actual Entry, or being preſent when the Fact is committed, is not within theſe Statutes.

If divers come in Company to enter into any Lands, *&c.* and if but one of them commit a Force, they are all guilty.

No peaceable Entry can be made upon the Kings Poſſeſſions, nor upon his Term, or for years, *Crompt.* 46.

A forceable Entry may be made upon a Leaſe for years, or Will, or Copy-hold, either by a Stranger, or Leſſor himſelf, but *Quære*, Whether the Juſtice may make Reſtitution; but by the Statute 21 *Jac. cap.* 15. any Juſtice of Peace is impowred to make Reſtitution to Tenants for years, Copyholders, Tenants by *Elegit*, Statute Staple or Merchant, that are held out by Force.

It is lawful Force that is uſed for the Apprehenſion of Traytors, Felons, *&c.* So likewiſe of any Officer that exerciſeth the Kings Writ, Force is lawful in the removing of forceable Entry or Detainer, or repreſſing of Riots; The Juſtice, Sheriff, Coroner, Conſtable may forceably apprehend and carry to Priſon ſuch as break and diſturb the Peace in their preſence; in all theſe Caſes the Officer may command others to aſſiſt, and what number he pleaſes.

It

It is lawful for any of the Kings Officers (in theſe following Caſes) to break open an Houſe to apprehend an Offender therein. *Lawful Force.*

1. For Treaſon, Felony or Suſpicion of either.

2. If one dangerouſly wound another, The Officer upon freſh Suit may break open a Door to apprehend, ſo may any other Perſons as ſeems, 7 *Ed.* 3. *cap.* 19. *Crompt.* 171.

3. If an Affray be in an Houſe the Conſtables, *&c.* may break open the Door to keep the Peace.

4. So upon a forceable Entry or Detainer found by Inquiſition, and viewed by the Statutes.

5. To apprehend a Man by a *Capias Utlagatum*, or a *Capias pro fine*, upon any Proceſs or Warrant for taking of any Popiſh Recuſants being excommunicated, or upon a Warrant of the Peace or Good Behaviour, by the Opinion of *Popham* and *Clerk*, Juſtices at *Cambridge* Aſſize, 3 *Jac.*

Laſtly, In all Caſes where the King is Party, or hath any Intereſt in the Buſineſs, for no Mans Houſe ſhall be a Caſtle againſt the King, 5 *Co. Litt. f.* 191.

But the Houſe cannot be broken open to execute any Proceſs (at the Suit of a Subject) either upon the Perſon or Goods of any Man.

Upon a Recovery in a real Action the Sheriff may break open an Houſe to deliver Seiſin thereof.

Note, That the Officer before he breaks open an Houſe or Door, muſt ſignifie the cauſe of his coming, and upon Requeſt, *&c.* and after a Refuſal he may juſtifie the breaking open of it.

The Law hath given to Dwelling Houſes ſeveral Priviledges.

1. That it is a Mans Caſtle for his defence.

2. It protects the Owner againſt any Arreſt by virtue of a Proceſs at the Suit of the Subject.

3. No Salt-Peter can be digged in any Mans Houſe, but by his own conſent.

4. If Thieves come to my Houſe, either to rob or murder me, I may lawfully aſſemble Company to defend it by force, and if any of the Thieves be killed, it is no Felony.

5. If one be in a peaceable Poſſeſſion of an Houſe, and ſuſpecting another (who hath a better Right to the Poſſeſſions, and whoſe Entry is lawful) will enter upon him, he that is in Poſſeſſion may juſtifie the defending of it with his ordinary Company, and likewiſe beat the other who attempts to enter, but if he be killed 'tis Felony.

If a Man being in his own Houſe, is informed that another will come thither to beat him, he may lawfully aſſemble his

his Neighbours and Friends to aid and assist him there in defence of his Person.

If a Man be threatned, that if he come to such a place, he will beat him, in this Case he cannot justifie his going thither accompanied with his Neighbours and Friends for the defence of his Person.

Lawful Detainer.

Any person, or his Ancestors, or he whose Estate he hath, continuing in peaceable Possession for the space of three years, may afterwards justifie the detaining of it with force, this extends to every Heir, or Feoffee where the Ancestors or Feoffor hath been so long possessed.

This is to be intended of one lawful Estate or Possession peaceably continued for three years without any interruption, and such a Possessor may hire Strangers, and have Men in Armour to assist him, but he cannot resist the Justice when he comes to view this.

Three years Possession may be pleaded to an Indictment of Force found by the Jury, and by such Plea he shall avoid both the Fine and the Imprisonment, and also prevent Restitution.

One that enters forceably, and continues the Possession peaceably, and without interruption for the space of three years, it seems he cannot justifie the detaining it by Force; so also a Possession obtained peaceably, and after continued with Force for three years.

If a Disseisor, *&c.* continue Possession peaceably three years, yet he cannot hold it with Force.

If any Person be lawfully and peaceably possessed for three years and above, and is disseised, the Disseisee re-enters, now he cannot defend it with Force, for that his Possession was uninterrupted.

If the Possessor of any Land, *&c.* for the space of twenty years be removed out of Possession, he cannot re-enter with Force.

Remedies for a Person entred upon forceably.

Firſt, The Party grieved, being seised of a Freehold may have an Assize or Action of Trespass of forceable Entry upon the Statute 8 *H.* 6. and thereby recover treble damages, and treble Costs of Suit, and shall have a Writ of Restitution thereupon.

No Action upon the Statute lies but where the Entry of the Party is not lawful, but if a Disseisee enter upon the Disseisor with Force, this is punishable by Indictment, and the Disseisor may be restored to his Possession.

The Party grieved, *&c.* waving the Benefit of his treble Damages and Costs may be several ways relieved by the Justices of Peace.

1. He

1. He may purchaſe a Writ out of *Chancery* directed to the Sheriff, or to the Sheriff and Juſtices of the Peace for to remove the Force, and this is upon the Statute of *Northampton*, 2 *Ed.* 3. *cap.* 3. The Juſtices by virtue of the Writ may only remove Force, but cannot reſtore the Party to the Poſſeſſion, or he may prefer a Bill of Indictment at the General Seſſions of the Poſſeſſion; of which being found by the Jury, the Juſtices may award Reſtitution.

Or a Juſtice of the Peace upon Complaint made, ought *ex officio*, to go to the place, view the Force, and remove, and after keep a Special Seſſions to enquire of the ſaid Force, and upon ſuch Enquiry to reſtore the Party to his Poſſeſſion, and no other Juſtice can grant a *Superſedeas* to the ſame Reſtitution.

The Party grieved may by *Certiorari* remove the Indictment found either at the General or Special Seſſions into the Kings Bench where a Writ of Reſtitution may be granted.

Jurors returned to enquire of this Force, muſt have 40 *s.* Freehold *per annum*, and if they appear not at the firſt day, the Juſtice may award an *alias & pluries ad infinit'*, but upon the day of the ſecond Precept, the Sheriff muſt return 40 *s.* Iſſues upon every of them; and at the third day 5 *l.* and ſo upon every day after double.

The Enqueſt is good for the King though ſome of the Jurors have not 40 *s.* Freehold *per annum*; but *Quære* whether the Party grieved ſhall have Reſtitution upon ſuch Indictment; likewiſe the Enquiry is good though the Sheriff do not return full Iſſues upon the Juror; and ſo it is if the Juſtice goes not to view the place where the Force is.

If it appear to the Juſtices of Peace that the Indictment of Force, *&c.* taken before them be inſufficient in Law, either Matter or Form, they ought not to award Reſtitution thereupon, as to the putting out (by expreſs Words) muſt be in the Indictment, for without an Expulſion there need no Reſtitution, and this putting out muſt be only of Houſes or Lands, and not of any Rent, Common, *&c.* wherewith an actual Entry cannot be made. 2. The Indictment muſt expreſs the Quality of the thing entred upon, *ſc.* whether it be Meſſuage, Cottage, Meadow, Paſture, Wood or arable Land; for if it be general of an Entry into Tenements, it is void for the uncertainty. 3. The Indictment muſt have theſe Words, *And yet hold out*, otherwiſe it ſhall be intended that either the Diſſeiſor hath quitted the Poſſeſſion, or that the Diſſeiſee hath re-entred. 4. One of the two Words, with *Strong Hands* or with *Multitude* ſeems to be material in the Indictment unleſs they be ſupplied by reciting

Of Reſtitution.

citing the Statute of 8 *H.* 6. and concluding againſt the Form of the Statute, or by ſome other Words in the Indictment.

If a Man be reſtored upon an inſufficient Indictment, which is removed into the *Kings Bench*, the Court there may cauſe the party to be reſtored that before was put out by the Juſtice of Peace, ſo two Juſtices of the Peace that were preſent at the finding of the Force, may ſuperſede a Writ of Reſtitution grounded upon an inſufficient Indictment, and if it were found at the Quarter Seſſions, the *Superſedeas* ſhall be granted under the *Teſte* of one of theſe Juſtices only, that were there preſent at the finding of the Force, *Dyer* 187.

An Indictment that he entred and detained with Force, is traverſed and found that he entred with Force, but not held with Force is good, and Reſtitution ſhall be awarded; and if upon a Traverſe it is found that one entred with Force, and the other detained with Force, yet the Party ſhall be reſtored, *Bro. Force* 15.

If it be found by one Inqueſt that *A.* put out *B.* with Force, and it is found by another Inqueſt that *B.* diſſeiſed *A.* with Force; now either Party may pray Execution againſt the other, but he that firſt obtained it may be put out by virtue of the ſecond Writ of Reſtitution, *Bro. Force* 6.

If at one Seſſions it be found by two ſeveral Indictments that I am put out with Force by *A.* and *B.* it is at my Election upon which of theſe Indictments to be reſtored; if I have Reſtitution upon the one, I cannot have Reſtitution upon the other too, if the Sheriff does not return upon the firſt, that I was not reſtored, and then I may ſue out the other, *Crompt.* 166.

A. is diſſeiſed with Force by *B.* and after *B.* is put out by *C.* and all this is found by one Inquiſition, *B.* may have Reſtitution againſt *C.* (for *B.* hath more right to the Poſſeſſion than *C.*) and then may *A.* have Reſtitution againſt *B.* But if upon this Inquiſition *A.* have Reſtitution firſt, then *B.* ſhall not have Reſtitution, otherwiſe if it had been found by ſeveral Inquiſitions.

The Juſtice of Peace before whom the Force is found, may himſelf put the Party in Poſſeſſion, or he may make his Precept under his own *Teſte* alone to the Sheriff ſo to do, *Dyer* 187. No other Juſtice of Peace, but he or they before whom the Force was found, can award Reſtitution.

Who ſhall award Reſtitution. The Juſtice of Gaol-delivery or of *Oyer* and *Terminer*, or Juſtice of the Peace at their General Seſſions cannot grant Reſtitution unleſs the Indictment was taken before them.

But

But if the Juſtice before whom ſuch Inquiſition was found die before Reſtitution made, or before it be removed, by ſome Opinions the reſidue of the Juſtices at their General Seſſions may grant a Writ of Reſtitution. But the Court of *Kings Bench* either upon Certificate or Removal upon *Certiorari*, or a delivery thereof in Perſon by the Juſtice before whom ſuch Indictment was taken, and the *Kings Bench*, nor any other (beſides him who made the Enquiry) can perſonally reſtore, but only by Precept to the Sheriff.

Note, The ſame Juſtice before whom the Force was found, and having a Writ of Reſtitution may after ſtay it by their *Superſedeas* to the Sheriff, and no other Juſtice beſides can do it.

If the Father be put out and dyeth, his Heirs ſhall not have Reſtitution.

A Diſſeiſor ſhall be reſtored, for the Title is not material, but the Form.

Diſſeiſee enters peaceably into a void Poſſeſſion, Diſſeiſor being abroad; in this Caſe, though the Diſſeiſee keep it with Force, yet the Diſſeiſor ſhall not be reſtored. *And to whom.*

Any Perſon of his Family in an Houſe, preſerves the Poſſeſſion, but not his Cattle being upon the Ground.

Where two are in Poſſeſſion, the Law will adjudge the Poſſeſſion in him that hath the Right.

Two joynt Tenants or Tenants in Common, and one puts out the other forceably, he may have Treſpaſs upon 8 *H.* 6.

Neither the Heir nor the Executor ſhall have Reſtitution upon the death of the Anceſtor or Teſtator, for it muſt be the ſame Perſon and not his Repreſentative.

A particular Tenant as a Copy-holder, Tenant for years, &c. ſhall be reſtored, though the Tenant of the Freehold wave or oppoſe it, Sir *Audley Nowels* Caſe, *Yelv.* 81.

The Statute 21 *Jac. cap.* 15. is to be taken ſtrictly and not by Equity, and an Indictment upon it for a Copy-holder omitting *per Copiam Rotulorum Curiæ*, was quaſhed, *Latch.* 182.

A Party indicted for a Force ſhall not give his Title in Evidence to excuſe it, may diſprove the Plaintiffs Title to hinder Reſtitution, *Lamb.* 151. *Crompt.* 162. *Bro. Force* 11. *Where a Juſtice cannot grant Reſtitution.*

And to the ſame end he may plead theſe Matters following. 1. His quiet Poſſeſſion for three years together. 2. May deliver to the Juſtice a *Certiorari*, which will be to them a *Superſedeas*, 21 *Jac. cap.* 8. 3. He may tender his Traverſe. 4. May plead the Inſufficiency of the Indictment. 5. The Inſufficiency of the Jurors, not having 40*s. per annum* Freehold.

'Tis

'Tis enacted by 21 *Jac. cap.* 8. that all Writs of *Certiorari* be delivered at the Quarter Seſſions in open Court, and not to be allowed unleſs the Party indicted become bound to the Proſecutors in a Bond of 10 *l.* upon Condition to pay to the Proſecutors ſuch Coſts and Damages (within one Month after the Conviction of the Party indicted) as ſhall be aſſeſſed by the ſaid Juſtices in their Seſſions.

Reſtitution where grantable.

Reſtitution ordinarily is granted in theſe Caſes.

1. If the Indictment removed be for Matter in the Body of it, or exception quaſhed.

2. If a *Certiorari* hath iſſued, which hath not been allowed or the Proceedings not ſtaid thereby.

3. If an indirect courſe have been uſed to avoid the Effects of the *Certiorari*.

4. The Juſtices below misbehave themſelves not allowing the Plea of three years Poſſeſſion.

Note, Oftentimes Reſtitution is denied, where the Party in Poſſeſſion offers to appear and try the Right.

A Certificate of a Juſtice of the Peace in caſe of a forceable Entry ought to be certain, 2 *Roll. Rep.* 39.

Two Juſtices of Peace by the Statute 5 *R.* 2. *cap.* 21. upon recording of a Force muſt count the Party preſent, *Moor* 848. 2 *Brownl.* 266.

The Juſtice of Peace may take the *Poſſe* to remove a Force, *Moor* 656.

Putting back of a Bolt is Force, and entring into an empty Houſe with armed Men is a Force, *Moor* 656.

Upon view of a Force Juſtices of Peace are Judges, and may ſet a Fine; and if there be Error, a Writ of Error may be brought, *Stil.* 300, 303.

Its in the Election of the Juſtice of Peace to ſet a Fine upon the Party, and refuſe the Party to his Travers upon Veiw of the Force, *Stile* 360.

An Indictment void for want of *tunc* though it was *exiſtens liberum tenementum*, *Latch* 109.

If no Addition to an Indictment of forceable Entry, its void, *Ibid.*

Its not neceſſary that the next Juſtice of Peace ſhould remove a Force, but all the Juſtices of Peace of the County are bound to do it, *Stil.* 246.

If *Certiorari* be brought to remove an Indictment of forceable Entry againſt ſeveral, ſome puts in Bail for the damage, good, *Stil.* 360, 361.

CHAP.

CHAP. LXII.

Forfeitures.

THE Puniſhment of every Perſon attainted of Felony is four-fold.

1. He ſhall loſe his life by being hanged between Heaven and Earth as unworthy of both.

2. He ſhall loſe his Blood both in regard of his Anceſtry and Poſterity.

3. He ſhall forfeit his Fee ſimple Lands from the time of the Offence, and the King ſhall have the profits of them for a year and a day from the time of the Attainder, and then it ſhall eſcheat to the immediate Lord of the Fee.

4. The Offender ſhall forfeit all his Goods and Chattles, from the time of the Attainder, *viz.* Corn growing, Profits of all his Lands during his Life, all Debts due to him upon Statute, *&c.* Simple Contract, and upon Accompt, and yet the King ſhall not pay ſuch Debts as the Felon owed, and if the King aſſign the ſame, the Party may ſue either in the Kings Name or his own.

At Common Law; If a Felon be found guilty before a Coroner, or that he fled for the Felony, though he be found not guilty, the Coroner, Sheriff, *&c.* may ſeize his Goods, and praiſe them by an Inqueſt, before Attainder, and yet they muſt not carry them away, but leave them in Cuſtody of the Townſhip, where they are to be anſwered to the King.

And ſo alſo if a Perſon be indicted of Felony, yet his Goods ſhall not be removed until Attainder, but the Officers may ſeize and appraiſe, and take Sureties that they be not imbezill'd, and if ſuch Sureties be denied, may be delivered to the Townſhips as before.

The Felon muſt have reaſonable Maintenance of his Goods for himſelf and Family until he be convicted.

But ſee now the Statute 1 *R.* 3. which provides that if any Sheriff, *&c.* ſeize the Goods of any perſon arreſted for Felony before he be convicted or attainted, or that the ſame be otherwiſe forfeited, he ſhall pay to the Party double the value of ſuch Goods, ſo that now the Goods are not to be ſeized or removed. And a Traitor or Felon may *Bona fide* ſell his Goods for his Maintenance any time before the Attainder.

Note, A Perſon is ſaid to be Indicted when the Offence is found by the Grand Inqueſt, convicted when he is found guilty by a ſecond Jury, attainted when Judgment is given upon him, *Co. Lit.* 391.

Note alſo, That not only the Felons own proper Goods but alſo ſuch Goods as he had ſtoln, and for which he is convicted were forfeited to the King.

At Common Law unleſs they had been taken upon Huy and Cry, or freſh purſuit. But ſee now the Statute 21 *H.* 8. *cap.* 11. which provides that if any Perſon hath Goods ſtoln from him, if the Felon be thereof found guilty by Evidence given by the Owner of ſuch Goods, or the Party robbed, or by his Procurement, then ſuch Owner ſhall be reſtored to his Goods by a Writ of Reſtitution, although he made no freſh purſuit or Huy and Cry.

The ſame Law is if the Felon be outlawed upon an Indictment by means of the Party robbed, *&c.* then the Juſtices before ſuch Felony ſhall be found have power to award Reſtitution.

The Executors of the Party robbed, *&c.* are within this Law, if by the Evidence they ſhall give or procure to be given, the Felon be attainted, *Co. Lit. 6. f.* 80.

If there be divers of the Thieves and but one of them is attainted, *&c.* yet the Party ſhall have Reſtitution.

Note, If the Goods be ſold in a Market Overt, before Attainder, there is no Reſtitution to be made, unleſs it be in *London*, or within two Miles of it, by the Statutes of 1 *Jac. cap.* 21.

A Man ſhall have Reſtitution of Mony ſtoln though it cannot be known, *Bro. Reſtitution*, 22.

A Man killing a Thief in his defence ſhall not forfeit his Goods, 24 *H.* 8. *cap.* 5.

Note, The Act made 23 *Car.* 2. *For the better and more certain Recovery of Fines and Forfeitures due to his Majeſty*, continued for ſeven years by 1 *Jac.* 2. is made perpetual by 4 *&* 5 *W. & M. cap.* 24.

Forfeiture of French *and Foreign Commodities*, &c.

Any Juſtice of Peace upon Complaint at any time reaſonable may give Warrant to the Conſtable to enter and ſearch Shops, *&c.* being open, and to ſeize Foreign imported Bone-Lace, Embroydery, Cut-work, Buttons, Silk-works, *&c.* 13 *&* 14 *Car.* 2. *Seſſ.* 3. *N.* 1.

Stat. 1 *W. & M. cap.* 34. prohibiting all Trade and Commerce with *France* for three years.

Stat.

Stat. 2 *W. & M. cap.* 14. For the more effectual putting the former Act in Execution.

Stat. 4 *&* 5 *W. & M. cap.* 10. For preventing the importing, bartering, ſelling, rendring or expoſing to Sale any Foreign Hair Buttons or other Buttons whatſoever, the Juſtices have the ſame power for Seizure, as by the Statute of 14 *Car.* 2.

Stat. 4 *&* 5 *W. & M. cap.* 25. for continuing the prohibiting all Trade and Commerce with *France*, and for the Encouragement of Privateers to continue for three years, if the War ſhall ſo long laſt.

See more amongſt the Precedents *Tit. French* Goods prohibited.

CHAP. LXIII.

Foreſtallers, Regrators, Ingroſſers.

IN an Indictment for foreſtealing upon the Statute of 5 *Ed. 6. cap.* you muſt lay that he was going to the Market with the Goods, 1 *Roll. Rep.* 421.

What ſhall be ſaid ingroſſing within the Statute of 5 *Ed.* 6. *Vid. Cro. Car.* 231, 314.

What is Foreſtalling and what not, *Vid.* 2 *Brownl.* 109. 1 *Roll. Rep.* 11.

No perſon ſhall buy to ſell again any Butter or Cheeſe ſave in Shops or Markets, and not in groſs upon pain to forfeit the double value to the King and the Informer, 3 *&* 4 *Ed. 6. cap.* 21.

Retail is expounded where a Weight of Cheeſe or Barrel of Butter is ſold, this Statute extends not to Inn-keepers or Victuallers.

1. If any Perſon buy things coming to Market by Land or Water to a Market or Port, *&c.* or contract for the ſame, *&c.* he is a Foreſtaller.

2. He that doth regrate (in any Market) any Corn, Wine, *&c.* or dead Victuals brought to be ſold, and ſell it in the Market, he is an Ingroſſer.

3. He that gets into his Hand by buying or promiſe, or otherwiſe by Demiſe, regrate any Corn, Butter, *&c.* with intent to ſell the ſame is an Ingroſſer.

4. A Perſon convict of this Offence ſhall be impriſoned without Bail for two Months, and forfeit the value of the Goods bought, *Vid. Kelw.* 145.

5. For the ſecond Offence he ſhall be impriſoned without Bail for a year, and loſe the double value of his Goods, *Vid. Kelw.* 145.

6. For the third Offence he ſhall be ſet in the Pillory, forfeit his Goods, and be committed during the Kings pleaſure.

7. Buying Barly or Oats to be made Malt, and not by foreſtalling; buying by Fiſh-mongers, Butchers, Poulterers, things belonging to their Trade to be ſold by Retail. Taking Corn, buying dryed Fiſh, *&c.*

A Carrier licenſed, *&c.* buyeth Corn, *&c.* upon Reſervation in Leaſe, Inholders buying Corn, to be ſold in a Market, *&c.* Proviſions for a City, Ship are no Ingroſſings.

8. One buying Corn for change Seed, not bringing ſo much to Market, forfeits the double value.

9. The Seſſions ſhall determine theſe Offences, by Bill or otherwiſe, *&c.* and eſtreat the Kings part, and award Execution, *&c.*

10. Any Perſon impeached within this Act ſhall be ſued within two years.

11. A perſon living within a Mile of the Sea, may buy Fiſh and ſell the ſame, *&c.* at reaſonable prizes.

12. The Statute of the 5 *Ed.* 3. *cap.* 12. ſhall not extend to Wines, *&c.* brought into *England*, Fiſh and Salt only excepted.

13. The Statutes of 3 *&* 4 *Ed.* 6. *cap.* 21. and 5 *&* 6 *Ed.* 6. *cap.* 14. ſhall not extend to Freemen of *London*, buying Butter and Cheeſe, *&c.*

14. Juſtices ſhall declare in Seſſions, that the Traders in Butter and Cheeſe, ſhall forbear to buy, *&c.* if they do not, be exempted from the Penalties of theſe Laws.

15. No Drover, *&c.* ſhall be allowed but in Quarter Seſſions in the County where he hath dwelt three years, and none but a Perſon married, an Houſholder, and thirty years old, and for one year only.

16. A Woman can have no Licence, and he that hath cannot ſell by his Servant.

17. The Licenſes ſhall bear date, the day and date of the Seſſions, and be ſealed by three Juſtices, *Quorum unus*, upon pain to the taker of 5 *l.* to the King.

18. The Seſſions ſhall take Bond, that the Perſon licenſed ſhall not foreſtal, *&c.* The Licence ſhall coſt but 12 *d.* the Recognizanze 4 *d.* for which the Clerk ſhall keep a Regiſter of their Names, *&c.*

19. No Perſon by ſuch Licences ſhall buy Corn but in Market unleſs thereunto ſpecially licenſed, or forfeit 5 *l.*

20. The

20. The Seſſions ſhall determin theſe Offences by inquiſition, *&c.* and make Proceſs as if they were indicted. And upon Information of any other, there the King may extract the Kings Moiety, and make Execution by *Fieri Facias*, &c. If the Conviction be at the Kings Suit only, he ſhall have the whole Forfeiture.

21. The Act ſhall not prejudice Corporations in Purveyance, nor extend to *Weſtmoreland*, *Cumberland*, *Lancaſter*, *Cheſter*, *York*.

22. No Perſon ſhall regrate or ingroſs Oak-Bark, with intent to ſell it again, on pain to forfeit the ſame.

23. No Perſon ſhall foreſtal Hides coming to Market, *&c.* but in Market, or buy any except of him that killeth the Beaſt to ſpend in his Houſe on pain to forfeit 6 *s.* 8 *d.* for every Hide.

CHAP. LXIV.

Games.

NO Perſons ſhall meet out of their own Pariſh on the Lords Day for any Sports, nor ſhall any Bear-baiting, *&c.* or other unlawful exerciſe be uſed by any within their own Pariſh on pain to forfeit for every Offence 3 *s.* 4 *d.* to the Poor, and one Juſtice or chief Officer ſhall give Warrant, *&c.* to the Conſtables to levy the ſame by Diſtreſs, and for default thereof the Offenders to be ſet in the Stocks for three hours. None ſhall be impeached by this Act unleſs he be queſtioned within a Month, 1 *Car. cap.* 1. 3 *Car. cap.* 4.

No Apprentice or Servants ſhall play at Tables unleſs for Meat or Drink, nor at Tennis, Dice, Cards, Bowls, or other unlawful Games out of *Chriſtmas*, nor then neither unleſs it be in their Maſters Houſe or preſence, 11 *H.* 4. *cap.* 4. 33 *H.* 8. *cap.* 9.

A Juſtice may enter into any Houſe where playing at Dice, *&c.* ſhall be ſuſpected to be uſed, and impriſon the Keepers thereof, till they enter into Recogniſance with Sureties no longer to occupy any ſuch Houſe of play, *&c.*

He may likewiſe Impriſon the Players without Bail till they be bound by Recognizance no more to play or haunt ſuch places.

The Penalty for Servants, *&c.* playing at Dice, *&c.* out of *Chriſtmas*, is 40 *s.* for keeping an Houſe for unlawful Games 40 *s. per diem*; for playing here 6 *s.* 8 *d.* every time; Majors, *&c.* ſhall once a Month ſearch ſuch places or forfeit 40 *s.* Majors, *&c.* ſhall four times a year proclaim this Statute in the Market, and Juſtices in their Seſſions.

All Suits upon theſe Statutes ſhall be proſecuted in the County, every Licence for keeping a Bowling-Ally, *&c.* ſhall be void, 31 *Eliz. cap.* 5. 2 *&* 3 *Ph. & M.* See *cap.* 9.

Playing at Cards, Dice, and the like are not prohibited by Common Law, but only falſe Dice and falſe Cards.

Juſtice of Peace may commit one for cheating another at play, *Cr. Car.* 235. *Jones* 249. 2 *Roll.* 546.

All Games except Shooting are unlawful, *Weſt. Preſidents fo.* 85.

Indictment for playing with falſe Dice, 2 *Roll. Rep.* 107.

An Indictment for keeping the unlawful Game of Nine-Pins, 1 *Syd.* 247,

Its not lawful to keep a Common Cock-Pit, 27 *Car.* the King againſt *Howel.*

If any one ſhall carry, keep, *&c.* any Gun, Croſs-bow, *&c.* contrary to the Statute of 33 *H.* 8. *cap.* 6. every Perſon may arreſt the Offender, and carry him to the next Juſtice, who may commit him till he pay the penalty *ſc.* 10 *l.* By this Statute no Man may keep or ſhoot in any Gun, *&c.* except he hath 100 *l. per annum* in Lands, *&c.* or forfeit 10 *l.* every time.

2. None may keep, *&c.* any Hand-gun, under one yard length, nor other Gun under three quarters of a yard in length, or forfeit 10 *l.* Any one having in Lands, *&c.* 100 *l. per annum*, may take from the Offender every ſuch Gun, Croſs-bow, *&c.* and keep ſuch Bow, but break the Gun within twenty days, or forfeit 40 *s.* and keep the Gun.

But the Statute 3 *Jac. cap.* if any one not having Lands, *&c.* of 40 *l. per annum*, or not worth in Goods 200 *l.* ſhall uſe any Gun, *&c.* to kill Deer, or Conies, or keep any Buck-ſtalls, *&c.* (except he hath ground encloſed, or be a Keeper, *&c.*) Any perſon having 100 *l. per annum* may take from him, and keep to his own uſe, any ſuch Gun, *&c.*

3. No Perſon in his Journey may carry any Gun charged or Bow bent (ſaving in time of War, or going to or from Muſter) except he hath 100 *l. per annum* in Lands, *&c.* or forfeit 10 *l.*

4. No

4. No perſon may ſhoot within any City, Burrough or Market-Town, nor within one quarter of a Mile, except for his defence, or at a But, or forfeit 10 *l.*

5. A Maſter may not compel his Servant to ſhoot in any Croſs-bow, *&c.* except at a But, or in time of War, & forfeit 10 *l.*

Out of this Statute are excepted the ſhooting at Buts, *&c.* by Serving-men, whoſe Maſters are enabled by Statute, and alſo Lords, Knights, Eſquires, Gentlemen and the Inhabitants of every City, *&c.*

All Perſons dwelling alone, or near the Sea, Makers and Sellers of Guns, *&c.* and Perſons having Placards, See 1 *Jac. cap.* 27.

All perſons that ſhoot in Guns muſt preſent their Names to the next Juſtices, 2 *Ed.* 6. *cap.* 14.

Any two Juſtices may commit ſuch perſons as ſhall ſhoot any Partridge, *&c.*

I. *Stat.* 4 *&* 5 *W. & M. cap.* 23. All Laws and Statutes in force, for the better preſervation of the Game of this Kingdom, and every Clauſe and thing therein not hereby altered or repealed, ſhall be duly put in Execution.

II. Conſtables, Headboroughs and Tything-men by a Juſtice of Peace his Warrant may and are required to enter into, and ſearch (in ſuch manner as by an Act for the more effectual Diſcovery and Puniſhment of Deer-ſtealers, made in the third and fourth year of their Majeſties Reign is provided, in caſe of Veniſon or Skin of any Deer or Toils) Houſes of ſuſpected perſons not qualified; and in caſe any Game ſhall be found, the Offender ſhall be carried before a Juſtice of Peace, and if he do not give a good account how he came thereby, or produce the perſon of whom he bought it in ſome convenient time, or ſome credible perſon to depoſe upon Oath ſuch Sale thereof, he ſhall be convicted of ſuch Offence by the ſaid Juſtice, and forfeit for every ſuch Hare, Partridge, *&c.* or other Game, any Sum not under 5 *l.* and not exceeding 20. One Moiety to the Informer, and the other to the Poor of the Pariſh where the Offence was committed, to be levied by Diſtreſs and Sale of his Goods, rendring the Overplus; and for want of a Diſtreſs ſhall be committed to the Houſe of Correction for any time not exceeding a Month, nor leſs than ten days, there to be whipt or kept to Labour. And if any perſon, not qualified by Law, do keep or uſe any Bows, Greyhounds, Setting-Dogs, Ferrets, Cony-Dogs, Hays, Lurchers, Nets, Tramels, Lowbels, Hare-Pipes, Snares or other Inſtruments for deſtruction of Game, and

ſhall be convicted as aforeſaid, he ſhall be ſubject to the Pains and Penalties aforeſaid. And if any perſon ſo charged ſhall not before the ſame Juſtice give ſuch Evidence of his Innocence as aforeſaid, he ſhall be convicted thereof in like manner, as the perſon firſt charged therewith is hereby directed to be, and ſo from perſon to perſon till the firſt Offender be diſcovered.

III. Lords of Manors and other Royalties, or any authorized by them, ſhall and may oppoſe and reſiſt ſuch Offenders in the Night time within their reſpective Manors and Royalties, as if ſuch Fact had been committed in any ancient Chaſe, Park or Warren encloſed.

IV. No perſons whatſoever ſhall after the 25th day of *March*, 1693. keep any Net, Angle, Leap, Piche, or other Engin for taking Fiſh (other than the Makers and Sellers thereof, for their better convenience in the ſale thereof, and other than the Owner and Occupier of a River or Fiſhery) And Owners or Occupiers of Rivers and Fiſheries, and ſuch as they ſhall authorize, may ſeize and keep to their own uſe any ſuch Engin, which ſhall be found uſed by, or in the Poſſeſſion of any perſon whatſoever, fiſhing in any River or Fiſhery without the Conſent of the Owner or Occupier. And alſo any perſon whatſoever authorized by Warrant under the Hand and Seal of a Juſtice of Peace, may ſearch the Houſes and other places of perſons prohibited and ſuſpected to have in their Cuſtody any ſuch Engins, and the ſame to ſeize and keep to their own uſe, or to deſtroy.

V. This Act ſhall not extend to abridge Fiſhermen or their Apprentices, lawfully authorized to fiſh in Navigable Rivers of Waters with lawful Nets and Engines.

VI. No *Certiorari* ſhall be allowed to remove any Conviction or other Proceeding concerning any Matter in this Act, unleſs the parties againſt whom ſuch Conviction ſhall be, ſhall before the allowance thereof become bound to the Proſecutor in the Sum of 50 *l.* with Sureties to be approved of by the Juſtice or Juſtices of Peace, before whom ſuch Offender was convicted, to pay to the Proſecutor within a Month after ſuch Conviction confirmed, or *Procedendo* granted, their full Coſts and Charges to be aſcertained upon Oath.

VII. Offenders puniſhed by force of this Act, ſhall not incur the Penalty of any other Law for the ſame Offence.

VIII. Perſons ſuſpected at Law for any thing done in purſuance of this Act, may plead the general Iſſue, and give this Act or any other ſpecial Matter in Evidence, and if

if the Verdict pass for the Defendants, or the Plaintiffs become Nonsuit, or suffer a Discontinuance, the Defendants shall recover treble Costs.

IX. If any inferior Tradesman, Apprentice or other dissolute person shall hunt, hawk, fish or fowl (unless in Company with the Master of such Apprentice qualified by Law) they shall be subject to the Penalties of this Act, and may be sued for Trespass in coming upon any persons Ground; in which Suit the Plaintiff shall recover his Damages and full Costs.

X. For the better preserving the Red and Black Game of Growse, commonly called Heath-Cocks or Heath-Colts no person whatsoever on any Mountains, Hills, Heaths, Moors, Forests, Chases or other Wasts, shall burn between the 2d day of *February* and the 24th of *June*, any Grig, Ling, Heath, Furze, Gorse or Ferne, on pain of being committed to the House of Correction for any time not exceeding a Month, nor under ten days, there to be whipt, and kept to hard Labour.

See after *Tit. Hunting.*

CHAP. LXV.

Gaol and Gaolers.

NO Justice of to commit but to Common Gaol, 9 *Co.* 19. *b. Cro. Eliz.* 830. *Stat.* 5 *H.* 4. *cap.* 10.

A Gaoler shall take but one Fee of a Prisoner indicted for two Felonies, 2 *Inst.* 218.

CHAP. LXVI.

Good Behaviour.

A Justice cannot bind to the Good Behaviour upon a general Information, or upon such to commit a Man for not finding Sureties, *Styl.* 16.

If a Justice for want of Sureties for Good Behaviour commit without cause, 'tis false Imprisonment, 3 *Cro.* 68.

To

To call a Mayor Fool is breach of Good Behaviour, and ſo it is to threaten Witneſſes, 3 *Cro.* 78. *Latch* 5.

Upon a Warrant for the Good Behaviour, the Officer may break open the Houſe, *Moor* 606. *numb.* 837.

CHAP. LXVII.

Hair Buttons.

I. STAT. 4 & 5 *W. & M. cap.* 10. No Foreign Buttons made of Hair, nor other Foreign Buttons whatſoever ſhall be imported or bartered, ſold or exchanged, on pain to forfeit the Buttons ſo imported, bartered, ſold or exchanged, and under ſuch farther penalties as are expreſſed in an Act made in the fourteenth year of the Reign of the late King *Charles* II. Entituled, *An Act prohibiting the Importation of Foreign Bone Lace, Cut-work, Imbroidery*, &c. One Moiety to their Majeſties, and the other to the Informer.

II. The Juſtices of Peace within their reſpective Diviſions, ſhall have the ſame Authority and Power to iſſue their Warrants to ſeize all Foreign Buttons whatſoever, that by the ſaid Act is given them to ſeize Foreign Buttons made of Thread and Silk.

CHAP. LXVIII.

Hawking.

ANY Juſtice may examine Offences, for Hawking with Spanel in eared Corn, and bind over the Offender, 23 *Eliz. cap.* 10. 7 *Jac. cap.* 11. Hawk found, ſhall be delivered to the Sheriff, *Vid. Tit.* Felony, Where the taking and concealing of them is Felony. *Ibid.*

If any perſon not licenſed take Hawks, or their Eggs, out of anothers Ground, he ſhall be impriſoned three Months, pay the Party treble Damages, and be bound to the Good Behaviour, or lie in Priſon ſeven years, 5 *Eliz. cap.* 31.

CHAP.

CHAP. LXIX.

High-ways, Streets, &c.

ANY Juſtice may cauſe Market ways to be enlarged and cleanſed, ſo that no Buſh, Tree, *&c.* ſhall remain within two hundred foot of either ſide the way, See 5 *Eliz.* A Juſtice may admoniſh the doing of it, and if it be neglected preſented at the next Quarter Seſſions.

If High-ways be not inlarged, Enquiry ſhall be made, who ought to enlarge them, and of ſuch as hinder it, See *Stat. of Wincheſter.*

If a Way founder, and that there be outlets from the Soil adjoyning, the People may travel upon the Soil, though ſown with Corn, and if a Way be through a Mans Lands, and he hath fenced it in, he hath bound himſelf to repair the High-ways.

Every Juſtice (upon his own knowledge) may preſent an High-way not well repaired to the General Seſſions, and he may do the like for any Offence concerning High-ways contrary to the Statutes of 2 *&* 3 *Ph. & M.* 5 *Eliz. cap.* 13. upon which the Seſſions may aſſeſs a Fine in the abſence of the Offender.

And before the Fine can be taken off the party preſented muſt certifie the amendment, *Styl.* 130. *Moor* 180. 9 *Co. Rep. fol.* 33.

Conſtables and Churchwardens ſhall call together the Pariſhioners, and chuſe Surveyors of the High-ways, 2 *&* 3 *Ph. & M.* 8. See that new Statute of 22 *Car.* 2. whereby it is provided that the Surveyor ſhall be choſen in *Chriſtmas* Week, by which Statute likewiſe the appointing of days of working injoyned to the Surveyor, of which notice is to be given in the Church by the Conſtables.

Every Perſon keeping a Plowland, *&c.* ſhall ſend at every day and place appointed, *&c.* for every draught of Plowland, *&c.* one Cart and two able Men for ſix days, *&c.*

He which hath a Plowland lying in ſeveral Pariſhes, ſhall be charged only in the Pariſh where he lives, but if he have two Plowlands in divers Pariſhes, he ſhall find a Cart in each Pariſh.

In places where Carts are not uſed, the Inhabitants ſhall ſend Horſes with able Perſons; 22 *Car.* 2. If there appear more Carriages than needful, the Surveyor may demand two Men in their Room in every Carriage, 2 *&* 3 *Ph. & M.* 8.

Every

Every Houſholder, *&c.* (not being a Servant by the year) ſhall for himſelf, or another, work every of the ſaid ſix days, by the ſpace of eight hours.

See the Statute of 18 *Eliz. cap* 10. A Cottager, if he be in the Subſidy, 5 *l.* in Goods, or 40 *s.* in Land, ſhall find two able Men, *&c.*

All Fences, *&c.* adjoyning to the High-way ſhall be ſcoured and kept in repair by the Owner, 5 *Eliz.* and 18 *Eliz. cap.* 10.

Note, It is not enough for Pariſhioners to work the full ſix days yearly on the High-ways, except that thereby the Ways are ſufficiently repaired, for if they be not, the whole Town might be indicted.

A High-way lying out of any Pariſh ought to be repaired by the whole County.

The King (by Common Law) may award his Commiſſion for the amending of High-ways throughout the Realm.

If any one choſen to be a Surveyor, or refuſe the Office, every Juſtice may preſent this.

Every Surveyor within twenty days after Notice of his Election, upon Penalty of 5 *l.* ſhall view the Highways, *&c.* in order to their amendment.

If an High Conſtable, *&c.* receiving any Eſtreat for the levying of any Forfeitures, ſhall neglect the ſame, or not account for, and make payment of, between the firſt day of *March*, and the laſt of *April*, all ſuch Sums as ſhall be levied by him to the Conſtables, *&c.* ſhall not imploy the ſame upon High-ways, every Juſtice upon his own knowledge may preſent thoſe defaults.

Surveyors ſhall appoint ſix days for providing materials having reſpect to the Seaſons of the year, and make return ſhall preſent the ſame to the next Seſſions, 22 *Car.* 2. or the ſame Juſtice by the proof of one Witneſs may levy upon the Offender. For want of a Day-labourer, 1 *s.* 6 *d.* for every Man and Horſe 3 *s.* for every Cart and two Men 10 *s.*

Every Surveyor may take and carry away Rubbiſh or broken Stones in any Quarrey within the Pariſh towards the mending the High-ways, 5 *Eliz. cap.* 15. he may likewiſe dig for and take in the Ground adjoyning to the High-ways any Sand or Gravel ſo as he do not dig in any Garden, *&c.* and but one Pit only, and that but two yards over and fill the ſame again within one Month at the charge of the Pariſh. He may likewiſe juſtifie the gathering of Stones in the Ground of any one within the Pariſh for the mending of the High-ways.

If

If there be not ſufficient materials in the ſame Pariſh for the repair of the High-ways, the Surveyor (by the allowance of two Juſtices) may take Chalk, &c. in the Commons of a Neighbours Pariſh to the filling up the Pits within a Month, and if there be not ſufficient Stones in the Commons, &c. of the Pariſh, the Surveyor may take the ſame within the ſeveral Grounds of any Man, in ſuch Pariſh, without paying for the ſame, and filling up the Pits, 14 *Car.* 2.

A Surveyor may cauſe any Water-courſe to be turned into any Mans ſeveral Ditch, or Ground adjoyning to the High-ways.

Two Juſtices, *Quorum unus*, may take the Account of an High-Conſtable, &c. who hath received an Eſtreat of Fines, &c. and compel him to pay them to the Petty Conſtables, &c. or commit him, but he muſt have 8 *d.* for every pound, and 12 *d.* for the Fee for the Eſtreat.

A Juſtice upon Complaint, &c. may compel ſuch as have been Conſtables to pay their Arrerages for the levying the Eſtreat, See 18 *Eliz. cap.* 19.

All Charitable Gifts for the repairing of the High-ways, &c. All Iſſues for not appearing, all Fines, &c. ſhall be imployed on the High-ways by the Warrant of two Juſtices; And the Sureties ſhall account with the Inhabitants within one Month after the year, and pay the Overplus; and for default two Juſtices may commit him, 14 *Car.* 2. *cap.* 6.

No travelling Cart or Wagon, Carriage, wherein any Burdens, &c. are carried other than ſuch as are imployed in Husbandry, &c. ſhall go with above five Horſes at length.

If any draw with any greater number of Horſes or Oxen, they ſhall draw in pairs, except one Horſe, otherwiſe the Owner ſhall forfeit 40 *s.* one third to the Surveyor, &c. another to the Overſeers, &c. to be levied by Warrant of any Juſtice, 22 *Car.* 2. A Conſtable or Surveyor not putting in Execution the Acts about High-ways or ſuffering Carts to paſs through their Limits, otherwiſe than as aforeſaid, ſhall upon proof before a Juſtice, upon his own View incur ſuch Fine under 40 *s.* as he ſhall impoſe, *Ibid.*

Every Perſon which ſhall oppoſe the Execution of the Acts ſhall pay 40 *s.* within ſeven days after Conviction, or be committed till payment, *Ibid.*

Juſtices of Peace, may determine matters concerning charitable Gifts for repairing High-ways, &c. make Orders for imploying the ſame (except in Colledge, &c.) and the Appeal in theſe Caſes lies to *Chancery*, 14 *Car.* 2. *cap.* 6.

If High-ways cannot be repaired before *Midſummer-day*, yet they ſhall be repaired before St. *Lukes-day*, 22 *Car.* 2.

The default of the High-ways, repairing of the High-ways, ſhall be preſented in the County, neither ſhall the Indictment be removed thence by *Certiorari* till after Judgment, *Ibid.*

Yet it ſeems an Indictment for not repairing a Bridge, lying between two Counties, where it is not known who ought to repair, may be removed, *ne deficeret juſtitia.*

The Seſſions upon Indictments, may fine for all Nuſances, Incroachments and Purpreſtures; where Gates are erected in ſuch places of the High-ways, where there hath not been anciently any, perſons may pull them down, or the Offence may be preſented, Incroachments ſhall be preſented at the Suit of the King, though the Soil thereof belongs to others.

And in Caſe of publick Nuſance the remedy muſt be the ſame.

Particular Statutes concerning High-ways, I ſhall not recite, but refer you to the ſame at large, alſo to ſuch general Statutes as have ſome Clauſes in them relating to particular High-ways, which are as followeth, 39 *Eliz. cap.* 19. 14 *H.* 8. *cap.* 6. 26 *H.* 8. *cap.* 7. 13 *Car.* 2. *cap.* 2. 22 & 23 *Car.* 2. 37 *H.* 8. *cap.* 13. 1 *Mar.* 5. 18 *Eliz. cap.* 20. 25 *Eliz. cap.* 7.

An Information in the Crown Office for not repairing of an High-way, they ſay one part of the Pariſh ought. By the Chief Juſtice, you may plead Not guilty, and give in Evidence that part of the Pariſh that ought to repair.

An High-way of Common Right all the County ought to repair; but ſome may particularly be bound to it, 13 *Co.* 33.

If one is to repair *ratione tenuræ* and he lets his Ground open, yet he muſt repair, 2 *Saund.* 160.

If one encroach upon the High-way, he is by this chargeable to repair the High-way as long as the Encroachment continue; but if he leaves the Encroachment open to the High-way he ſhall be diſcharged for that time from the repair, *Ibid.* See 1 *Cro.* 366.

If one be obliged to repair a Way *ratione tenuræ* though he lets the Land open to the Way, yet he ſhall repair, 2 *Saund.* 161.

An Indictment for ſtopping the Kings High-way in *Kenſington*, good without ſaying from ſuch a place to ſuch a place, otherwiſe of a Common-way, *Noy* 90.

An

An Indictment for ſtopping a Way to a Church without ſaying *communis via*, good, *Poph.* 206.

An Indictment againſt ſeveral for ſuffering before their Doors to be unpaved, not good, *March* 45. The Indictment ought to be of every particular Perſon.

An Indictment for throwing Dirt and Duſt into the High-way, 14 *Car.* 2.

An Indictment muſt be *ad nocumentum omnium ibidem tranſeuntium*, Roll 406.

To ſtop one Way which was foul, and lay out another without publick Authority, not juſtifiable, 1 *Cro.* 266. *Poph.* 142.

I. *Stat.* 3 & 4 *W.* & *M. cap.* 12. The Laws and Statutes in force touching the High-ways, not hereby altered or repealed ſhall be put in Execution.

II. Upon the 26th day of *December* yearly, unleſs that day be *Sunday*, and then on the 27th day the Conſtables, Headboroughs, Tithingmen, Churchwardens, Surveyors of the High-ways, and Inhabitants of every Pariſh, ſhall aſſemble, and the major part of the Aſſembly ſhall make a Liſt of the Names of a competent number of the Inhabitants, who have an Eſtate in Land, in their own Right, or their Wives, of 10 *l. per annum*, or a Perſonal Eſtate of 100 *l.* or are Occupiers of Houſes, Lands, *&c.* of the yearly value of 30 *l.* if ſuch there be, and if not, then a Liſt of the moſt ſufficient Inhabitants, and return it to two or more Juſtices of the Peace at a ſpecial Seſſions to be held for that purpoſe, on the third day of *January* next following, within fifteen days after; for which purpoſe the Juſtices are required to hold a ſpecial Seſſions, and to give notice to the Conſtable, Headboroughs, *&c.* of every Pariſh within the Diviſion ten days before the holding of the ſame; and out of the ſaid Liſts by Warrant under their Hands and Seals they ſhall nominate, one, two or more, to be Surveyor or Surveyors of the High-ways of every Pariſh within the Diviſion, or for any Hamlet, Precinct, Town, *&c.* of and in the ſame, for the year enſuing; which nomination ſhall by the Conſtable, *&c.* be notified to the Perſons nominated, within ſix days, by ſerving them with the Warrants, or leaving the ſame, or a Copy thereof at their Houſes; and if the Perſons ſo nominated ſhall refuſe or neglect to take upon them the ſaid Office, they ſhall forfeit 5 *l.* to be levied on their Goods by diſtreſs and ſale thereof, by Warrant of two Juſtices of the Peace, which Warrant the Juſtices are required to make upon

upon the Information of one credible Witneſs upon Oath; the moiety of ſuch Forfeiture to the Informer, the other to go towards the repairing of the High-ways; and in ſuch caſe the Juſtices ſhall nominate ſome other fit Perſons to perform the Office, who ſhall upon the like notice, take upon them the Office under the ſame penalty; and Conſtables, Headboroughs, *&c.* or ſome of them, who ſhall not return ſuch Liſts of Names, every one of them ſo neglecting, ſhall forfeit 20 *s.* to be levied in the manner, and imployed to the uſes aforeſaid.

III. No Perſons ſhall lay in any High-way not twenty Foot broad, any matter whereby the ſame may be obſtructed or annoyed, on pain to forfeit 5 *s.* to be levied and diſpoſed, as aforeſaid.

IV. If any Timber, Stone, Hay, Straw, Stubble, or other matter for making Dung, or on any other pretence, ſhall be laid in any ſuch High-way, the Poſſeſſors of the Lands next adjoyning ſhall remove and diſpoſe of the ſame to their own uſe; and if they neglect to clear the ſame, or to cleanſe their Ditches, *&c.* adjoining thereto, or to cauſe the Earth taken thereout, to be carried away, and to lay a ſufficient Trunk or Bridges where there are Cart-Ways into the ſaid Grounds, by the ſpace of ten days after notice given by any of the Surveyors, they ſhall forfeit 5 *s.* for every ſuch Offence, to be levied and diſpoſed as aforeſaid.

V. No Tree, Buſh or Shrub, ſhall be permitted to grow in any High-way, not twenty Foot broad, but ſhall be cut down by the Owner of the Land where it ſtands, within ten days after notice given by any of the Surveyors, on pain to forfeit 5 *s.* to be levied and diſpoſed as aforeſaid.

VI. The Poſſeſſors of Lands adjoyning to High-ways not twenty Foot broad, ſhall keep their Hedges pruned right up from the Roots.

VII. Surveyors appointed as aforeſaid, ſhall within fourteens days after their acceptance of this Office, and ſo from time to time, every four months, view the Roads, Water-courſes, Bridges, Cawſeys, *&c.* within the Pariſh, *&c.* where he is a Surveyor, that are to be repaired by the Pariſh, *&c.* and preſent upon Oath in what condition they find them, to ſome Juſtice of Peace, or to incur the ſame Penalty as if they had refuſed to execute the Office, unleſs they have ſome reaſonable excuſe to be allowed of by two Juſtices of the Peace; and what Defaults they ſhall find, they ſhall the next *Sunday* after Sermon ended, give publick notice of, in the Pariſh Church; and if the ſame

ſame be not amended within thirty days after, ſuch Surveyors ſhall within thirty days amend the ſame, and diſpoſe of the Annoyances for the repair of the High-ways, and ſhall be reimburſed their Charges, by the party who ſhould have done the ſame; and in caſe of refuſal by the party to pay ſuch Charges, the Surveyors ſhall apply themſelves to a Juſtice of Peace, and upon Oath before him made of notice to the Defaulter given as aforeſaid, the Surveyors ſhall be repaid ſuch Charges as the Juſtice of Peace ſhall think reaſonable, to be levied, as aforeſaid.

VIII. The Juſtices of Peace ſhall once in four months hold a ſpecial Seſſions, and Summon thereunto all the Surveyors of the High-ways, and declare to them what they are obliged to do by virtue of this, or any former Act; after which the Surveyors ſhall make a Preſentment to them upon Oath, of the ſtate of the High-ways within their reſpective Pariſhes, *&c.* and what Offences and Neglects any are guilty of; and before any Surveyor be diſcharged of his Office, he ſhall at ſome ſuch ſpecial Seſſions give an account upon Oath, of all Mony that hath come to his Hands, which ought to be imployed in amending the Highways, and how it has been diſpoſed; and if any remain in his Hands, he ſhall deliver it to the next Surveyors, or in caſe of failure, ſhall forfeit double the value, to be levied and diſpoſed as aforeſaid.

IX. Surveyors neglecting their Duty in any thing required by this Act, ſhall forfeit for every Offence 40 *s.* to be levied and diſpoſed as aforeſaid.

X. If any Juſtice of Peace ſhall neglect or refuſe to do what this Act requires, he ſhall forfeit 5 *l.* one moiety to the Proſecutor, the other to be imployed for the amendment of the High-ways, where the Perſon who ſues ſhall inhabit, to be recovered in any of their Majeſties Courts of Record, by Action of Debt, *&c.*

XI. Surveyors of the High-ways, where the Ditches and Drains already made, are not ſufficient to carry off the Water, may make new ones through the Lands adjoining, and keep them open, and come upon the Grounds with Workmen for ſo doing.

XII. Upon notice given by the Surveyors to the Juſtices at their ſpecial Seſſions, and Oath made of what Sums they have expended in repairing the High-ways, the Juſtices or any two of them may by Warrant cauſe an equal Rate to be made to reimburſe them, where they are forced to lay out their Mony, according to the Methods preſcribed in an Act made the 43*d* of *Eliz.* entituled,

An Act for the better Relief of the Poor of this Kingdom; And if any refuſe to pay what ſhall be aſſeſſed on him, the Surveyors ſhall levy the ſame by Diſtreſs or Sale of Goods.

XIII. No Fine, Iſſue, Penalty or Forfeiture for not amending High-ways, ſhall be returned into the *Exchequer*, or other Court, but ſhall be levied into the Hands of Surveyors to be applied towards the amendment of ſuch High-ways; and if any ſuch Fine, *&c.* impoſed on any Pariſh, *&c.* for not repairing the High-ways, ſhall be levied upon one or more of the Inhabitants, upon complaint to the Juſtices of the Peace at the ſpecial Seſſions, they or any two of them may by Warrant cauſe a Rate to be made to reimburſe them, which the Surveyors ſhall levy and pay within a month after the making thereof.

XIV. The Surveyors ſhall make every Cart-way leading to any Market-Town eight Foot wide at leaſt, and as near as may be level.

XV. Inhabitants within the Weekly Bills of Mortality, Brewers, Scavengers, and others imployed in carrying away the Dirt and Soil of the Streets, *&c.* may uſe any Cart, Car or Dray, with Wheels ſhod with Iron, and narrower than ſix Inches in the Fellies, and drawn with more than two Horſes, any Act, Law or Uſage to the contrary notwithſtanding.

XVI. Where the Juſtices of Peace at their General Quarter Seſſions ſhall be ſatisfied, that the High-ways, *&c.* cannot be ſufficiently amended without the help of this Act, Aſſeſsments upon Perſons uſually rateable to the Poor ſhall be made and levied by ſuch Perſons, and in ſuch manner as the Juſtices at their Seſſions ſhall direct and appoint, the Mony to be raiſed, to be imployed according to their Orders for the repairing the High-ways, *&c.* The ſaid Aſſeſsments, if not paid within ten days after demand, to be levied by Diſtreſs and Sale of Goods, rendring the overplus, Charges deducted.

XVII. No ſuch Aſſeſsment to be made in any one year ſhall exceed 6 *d.* in the pound of the yearly value of Lands, *&c.* nor of the 6 *d.* for 20 *l.* Perſonal Eſtate.

XVIII. If any Perſons find themſelves agrieved by ſuch Aſſeſsments, or any Act by the Juſtices of Peace, the Juſtices of Peace at their General Quarter Seſſions, ſhall take Order therein, which ſhall conclude all Parties.

XIX. None ſhall be puniſhed for any Offence againſt this Act, unleſs he be proſecuted within ſix months after the Offence committed, nor ſhall any Perſon puniſhed by virtue

virtue of this Act, be puniſhed for the ſame Offence by virtue of any former Law.

XX. No Horſe Cawſey ſhall be under three Foot in breadth.

XXI. The Juſtices of Peace for *Middleſex*, may at their Quarter Seſſions make Rates for paving *Kenſington*, in ſuch manner as is directed by an Act made in the ſecond year of their Majeſties Reign, for paving and cleanſing the Streets of *London* and *Weſtminſter*.

XXII. All Matters concerning High-ways, *&c.* ſhall be determined in the County where they lie, and not elſewhere; and no Preſentment, Indictment or Order made by virtue of this Act, ſhall be removed by *Certiorari* out of the County.

XXIII. The Juſtices of Peace of every County, at their Quarter Seſſions after *Eaſter*, yearly, ſhall aſſeſs the Prices of all Land-Carriage of Goods to be brought into any place within their Juriſdictions, by any common Waggoner or Carrier; and ſhall certifie ſuch Rates to the Mayors or other Chief Officers of every Market-Town; and Waggoners or Carriers taking more than what ſhall be ſo aſſeſſed, ſhall forfeit for every ſuch Offence 5 *l.* to be levied by diſtreſs and ſale of Goods, by Warrant of two Juſtices, to the uſe of the Party grieved.

XXIV. In Actions commenced againſt any Perſons authorized to put this Act in execution, the Defendants may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff be Non-ſuit, or forbear Proſecution, or Diſcontinue, or a Verdict paſs againſt him, the Defendant ſhall recover his double Coſts.

XXV. *Stat.* 4 & 5 *W.* & *M. cap.* 9. The Toll mentioned in the Act made in the fifteenth year of the Reign of King *Charles* II. Entituled, *An Act for repairing the High-ways in the Counties of* Hertford, Cambridge *and* Huntington; and in an Act made in the ſixteenth and ſeventh years of the ſaid late King, for continuance of the ſaid Act, to be taken at *Wades*-Mill in *Hertfordſhire*, ſhall be revived, and taken again in the manner by the ſaid Acts mentioned, for fifteen years, the Monies thereby ariſing, to be imployed according to the Tenor of the ſaid Acts.

XXVI. *Provided*, That if the ſaid High-ways before the end of fifteen years be in ſufficient repair, and an Adjudication be made thereof at the Aſſize or General Quarter Seſſions of the County, as is provided by the ſaid Statute of 16 & 17 *Car.* 2. the ſaid Toll ſhall from thenceforth

XXVII. The ſeveral Officers and Perſons impowered by the ſaid former Acts, ſo far as relates to the County of *Hertford*, ſhall have the like Powers by virtue of this Act, and all Clauſes in the ſaid Acts concerning the Collecting, Paying, Ingaging or accounting for the ſaid Toll, ſhall by virtue of this Act be renewed, and put in execution, as if here again repeated.

See after Tit. Scavengers.

CHAP. LXX.

Homicide.

HOmicide, *ex vi termini*, ſignifies no more than the killing of a Man, and therefore I ſhall place under this Head, *Murder*, *Manſlaughter*, *Chancemedly*, (or *Homicide*, by miſadventure) *Caſual death*, *Homicide upon neceſſity*, or *Se defendendo*, of which in their orders. Take in *Homicide* as the Genus to them all.

Murder.

Murder is the killing any Perſon upon prepenſed Malice, which is either expreſſed or implied, as when one killeth another without any provocation, the Law doth preſume that ſuch an Act proceeded from a premeditated Malice.

And accordingly it hath been provided by the Statute, 1 *Jac. cap.* 8. That if one ſhall ſtab, ſtrike or thruſt another that hath not then a Weapon drawn, or hath not then firſt ſtricken the other, and the party ſo ſtabbed, *&c.* dies within ſix months after, though no Malice forethought can be proved, yet it ſhall be Murder without benefit of Clergy.

If any Magiſtrate or Officer or any coming to their Aid is killed when he is lawfully executing his Office, this is Murder; but if he be not a known Officer, he muſt then ſhew his Warrant, if it be demanded, otherwiſe the killing of ſuch Officer is but Manſlaughter.

A Thief who attempts to Rob a true Man, kills him when the other is defending himſelf, this is Murder.

It was adjudged Murder in the Son who carried his Father (being ſick and againſt his will) in cold and froſty

froſty Weather from place to place, whereof he died, 2 *Ed.* 3. 18.

A Harlot delivered of a Child, hides it in an Orchard, and covers it with Leaves, and the Kite ſtruck at it, and the Child died thereof, the Mother was executed for Murder, *Crom.* 24.

One hath a Beaſt that is accuſtomed to hurt People, the Owner knowing thereof, and the Beaſt kills a Man, this is Felony in the Owner, *Fitz. Coron.* 311.

If an Officer be authorized to Whip or Brand an Offender, and he does it with that extream rigor, that the Party dies of it, this is Murder in the Officer.

A Man perſwades another to kill himſelf, and be preſent when he does it, it is Murder.

Two playing at Tables, and fall out in their play, and the one killeth the other ſuddenly; or a Husband upon words between him and his Wife, took a Peſtle and ſtruck her, whereof ſhe died, it hath been adjudged Murder in both caſes, for words ſeem not to be ſufficient provocation.

A. wounded *B.* in fight, and after they met ſuddenly and fought again, and *B.* killeth *A.* this ſeemeth to be Murder, for it ſhall be intended to be done upon the former hurt: But if *A.* had killed *B.* this ſeems to be only Manſlaugter, for his Malice ſhall be intended to be appeaſed by the hurt he firſt did to *B.* *Lamb.* 217.

A. diſcharges a Piſtol at *B.* and throws it down and flies, *B.* purſues him, *A.* turns back, and with a Dagger kills *B.* this is Murder, Sir *Franc. Bacon.* 4.

J. S. with an intention to kill his Wife gave her a poiſoned Apple, ſhe not knowing of it gave it to her Daughter, who died thereof, this is Murder in the Father, and ſo it had been if a Stranger had found it accidentally, *Plowd.* 474. *Co. Lit.* 981.

A. being poiſoned drinks to *B.* and perſwades him to drink it, alledging it would do him much good, which he drunk in the abſence of *A.* this was held to be Murder, 4 *Co.* 44. So if one gives to another corrupt Victuals with an intent to poiſon him, and he dies thereof within a year and a day, *Cro.* 10.

But if a Man lay Ratsbane to kill Rats without any evil intent, and one finds it and poiſons himſelf, this is not Murder, *Plow.* 474.

If a Maſter takes his Servant with him to kill another, the Servant knowing nothing of it, and aſſiſts his Maſter.

and the Perſon be ſlain, this is Murder in the Maſter and but Manſlaughter in the Servant.

Rules in Murder.

1. If a Man that hath Malice to one endeavouring to kill him, killeth another Man, this is Murder, as if two fight upon Malice prepenſed, and a Stranger who comes to part them be ſlain, this is Murder in them both.

2. Where a Perſon is doing of an unlawful Act, and in this Action killeth another, this is Murder.

3. If divers Perſons coming in one Company as Confederates to do an unlawful thing, and in doing thereof a Man is ſlain, it is Murder in them all, *Stamf.* 40. *Plowd.* 98. nay, if they be in the ſame Houſe or Ground, *Cromp.* 25.

4. All who are preſent aiding and abetting to do a Murder, are all Murderers, though they do not ſtrike, 1 *Co.* 9. 67.

5. In Murder it is not material who gave the firſt blow, if there be malice prepenſed.

6. In every Homicide it is neceſſary that the party killed be in *rerum natura*, for if an Infant be killed in his Mothers Womb, this is no Felony, neither ſhall the party forfeit any thing.

7. Compulſion is an excuſe, as if a Mans Arms be drawn by Compulſion, and by the Weapon in his Hands, another Man is ſlain, it is no Felony in him, *Plowd.* 19. *a.*

8. Involuntary Ignorance excuſes alſo, as if an Infant not having intelligence, or a Man *non ſanæ memoriæ*, kill another, it is Felony.

9. Intent to commit Murder or Felony is not puniſhable, unleſs the Act be done.

Manſlaughter.

Manſlaughter is the killing of a Man willingly upon a ſudden heat, yet without malice fore-thought; as where two fall out upon the ſudden, and the one of them breaketh his Weapon, and thereupon a ſtander by, yet none of the Company lendeth him a Weapon, wherewith he killeth another, this is Manſlaughter in them both, *Cromp.* 16.

If two Combat together upon a ſudden, and part, and preſently after meet and fight again, and the one killeth the

the other, or the one preſently fetcheth a Weapon, and killeth the other therewith, this ſeemeth but Manſlaughter, for all was done in one continuing fury.

If two that were at enmity, are reconciled, and after fight upon a new occaſion, and one killeth the other, this is but Manſlaughter.

If one that is not *Compos mentis* kill a Man, this is no Felony, for every Felony muſt be done *felleo animo, & actus non facit reum niſi mens ſit rea*, and a Mad-man is *amens, id eſt, ſine mente.*

There are three ſorts of Perſons in Law which are not *Compos mentis.* 1. A natural Fool, who is ſo from his Birth. 2. Who was once of ſound Memory, and after (by accident) loſeth his Memory. 3. A Lunatick which is ſometimes of ſound Underſtanding, and ſometimes *non Compos mentis.*

Note, That if a Mad-man be procured to kill another, yet it is Felony in the Procurer, though the Mad-man cannot be charged with the Crime.

An Infant of eight years of age may be puniſhed for a Felony, if it appear by any Circumſtances that he did diſcern between the Good and the Evil of what he had done.

A Dumb-man may commit Felony, *Plowd.* 19. but not one that is Deaf and Dumb, *Fitz. Coron.* 193. *Stamf.* 16. otherwiſe of him that is not born ſo, *Vide Bro. Coron.* 101 and 217.

Two Men fall out at Bowls, and a third Perſon in revenge of his Friend ſtruck the other with a Bowl, of which blow he died, adjudged Manſlaughter, 12 *Co.* 89.

A Servant that killed one in defence of his Maſter, found Guilty only of Manſlaughter, 1 *Syd.* 154.

Bailiffs came to ſerve an Execution upon one who ſhuts his Door, they break open the Door, he ſhoots one of them, adjudged Manſlaughter, 2 *Co. Inſt.* 539.

Two Men playing at Foils, the Chafe of one fell off unknown to him upon a Thruſt, ſo that the Rapier went in to the others Belly, adjudged Manſlaughter, *Allen* 12.

No Acceſſary may be to Manſlaughter before the Fact, but only after, *Moor* 461.

Chancemedly.

The killing of a Man by misfortune, or miſadventure only, ſhall not be adjudged Murder by the Statute.

Homicide by misadventure, is when a Man doing of a lawful Act, and without any evil intent happeneth to kill a Man; as if a School-Master, Parent or Master correct his Scholar, Child or Servant in a moderate and reasonable manner, and any of them die thereof; so if one shooting at Buts, *&c.* by chance kill a Person standing or passing by; also if a Carpenter, Mason, *&c.* (giving notice thereof) throws down a Stone, *&c.* and killeth a Man, *&c.*

If by the Kings Command two Men fight at Barriers, *&c.* and one killeth the other, this is no Felony of death, *Hob.* 134.

If by chance a Person be killed by one in doing of an unlawful Act, though with no evil intent, this is Felony, *viz.* Manslaughter at least, if no Murder, *Stamf.* 162. As shooting of Arrows, or casting of Stones into a High-way, or some other place where Men do usually pass or resort.

Casual death.

Casual death is when a Man is killed by the fall of a House, Pit or Tree, *&c.* upon him, or be killed by a Bull, Bear, *&c.* or by some fall which he himself taketh.

In these Cases observe these following Rules.

First, If a Man so slain come to his Death by that means, procurement, or wilful default of another, this is Felony in the Person procuring, *&c.*

Secondly, Any thing that is the cause of such accidental Death, shall be forfeited to the King, and in Law is called a *Deodand*, and is to be prised, the price whereof shall be distributed in Alms to the Poor by the Kings Almoner.

Thirdly, The Forfeiture shall have relation from the time of the stroke given, *&c.* so if the Proprietor thereof sell it to another, such sale shall not take away the Kings Title, *Plowd.* 260.

Fourthly, *Deodands* are not forfeited until found by matter of Record, *Co. Lit.* 5. 110.

Fifthly, The Jury finding the Death, must also find and appraise the *Deodand*, and the Sheriff is charged with the price thereof, and is to levy the same upon the Town, where such death happeneth, although it were never committed to the Town to keep, *Co. lib.* 5. 4. 10. *Fitz. Coron.* 290. *Stamf.* 121.

Sixthly,

Sixthly, It ſeemeth that if any Perſon under the age of fourteen years be ſo ſlain, nothing ſhall be forfeited to the King as a *Deodand*, *Fitz. Coron.* 303. *Stamf.* 21.

If any Man be found in the Fields, and no Perſon knows him, his Apparel and Mony about him ſhall be given to the Poor, *&c.* and if known, then his Goods ſhall delivered to his Executors or Adminiſtrators, or to the Ordinary, and they are not to be reputed *Deodands*, they being not the cauſe of his death.

As for *Deodands* the ancient Rule is, *Omnia quæ movent ad mortem ſunt deodanda*, and yet in ſome Caſes there may be a *Deodand*, though the thing it ſelf moves not, as if one fall from a Ship, Cart, Mow of Corn or Hay, ſo that any Goods that are the occaſion of the death of a Man by miſadventure is a *Deodand*, *Co. Lit.* 5. 110. *Dyer* 77. *Fitz. Coron.* 314, 326, 341, 342, 344, 348, 389, 398, 401, 409.

If a Man kill another with my Sword, *&c.* the Sword ſhall be forfeited as a *Deodand*, *Dr.* and *Stud. f.* 156.

The Coroner is the proper Officer to enquire of ſuch Caſual death, *&c.* which muſt be *ſuper viſum Corporis*.

Homicide upon neceſſity, or *Se defendendo.*

If an Officer or other Perſon thereto lawfully deputed, does execute a Judgment or Sentence of Death, according to his Warrant upon any Perſon attainted, ſuch Act in the Officer, *&c.* is neither of the nature of Murder or Homicide, for it is but the lawful Execution of Juſtice, but in this caſe the Officer muſt be ſure to purſue his Warrant, for if an Offender be adjudged to be hanged, and the Sheriff or other Officer, *&c.* behead him, *&c.* this is Felony in ſuch Officer, *&c. Co. lib.* 7. 14.

If a Stranger without any Warrant put to death any Offender condemned to die, this is Felony, *Co. lib.* 7. 14. *Stamf.* 15. The Judge that paſſeth Sentence cannot juſtifie to execute himſelf in Perſon.

If Juſtices of Peace ſhall arragin a Man of Treaſon at the Seſſion, and condemn him, and is thereupon executed, this is Felony as well in the Juſtices as in the Sheriff, or other Officer, who ſhall put him to death in purſuance of ſuch Judgment, for the Juſtices had no power to try ſuch Offender, and ſo what they did was *coram non judice*, *Co. lib.* 10. *f.* 76.

If

If Juſtices of Peace arraign a Man of Felony upon an Indictment of Treſpaſs, and thereupon hang him, this is Felony in the Juſtices, but not in the Officer, that executed ſuch Judgment, for in this caſe the Juſtices had Juriſdiction of the Cauſe, though they proceeded erroneouſly, and therefore the Officer is excuſable, *Co. lib.* 13. 76.

If a Thief, or any other Perſon having a lawful Warrant to apprehend a Man indicted of Felony, may juſtifie the killing of him, in caſe he will not yield, or ſuffer himſelf to be arreſted, and that he cannot otherwiſe be taken, 22 *Aſſ.* 55. *Fitz. Coron.* 288, 328.

Every Perſon whatſoever, may without any Warrant apprehend a Felon upon Huy and Cry, or otherwiſe, and in caſe of reſiſtance or flight, the Purſuer may juſtifie the killing of him, *Fitz. Coron.* 288. *Co. lib.* 5. 109.

If a Perſon be led towards the Gaol, and makes his Eſcape, *&c.* the Perſons that had him in charge, may kill him if they cannot otherwiſe take him, *Fitz. Coron.* 288, 328.

If a Priſoner in the Gaol attempts to eſcape, or break the Priſon, if the Gaoler kill him, this is no Felony, 22 *Aſſ.* 35.

Rioters, or ſuch as make a forceable Entry or Detainer, make reſiſtance, and not yield themſelves to the Juſtice of Peace, or other of the Kings Officers, if any ſuch Offenders be killed, this is no Felony, *Cro.* 24. *b.* 30. 158.

If the Sheriff, *&c.* cometh (by virtue of the Kings Writ) to arreſt a Man for Rent, Treſpaſs, *&c.* who maketh reſiſtance, and is killed by the Sheriff, or any in any Company, this is no Felony, *Stamf. Prerog. f.* 46. *Cro.* 24, 30. *Doctor* and *Stud.* 133. *Stamf.* 13.

Note, In all theſe former Caſes there muſt be an inevitable neceſſity, *viz.* if there was no poſſibility of taking the Offender without killing of him. In an Appeal of Felony, if the Appellant and Appellee do join to try it by Battle, and the one killeth the other, ſuch killing is no Offence againſt the Law, 37 *H.* 6. 21. So it is of Champions in Trial upon a Writ of Right, *Plowd. f.* 9.

There are three ſorts of neceſſities. 1. A conſervation of Life. 2. Of Obedience, as where the Wife ſtealeth with her Husband. 3. Of the Act of God or a Stranger.

Note,

Note, Neceſſity in caſe of Homicide, priviledgeth only when it is inevitable.

In caſes of Theft only, *quoad jura privata, ſed non valet contra rem publicam*, Bacon 32.

To kill another in the neceſſary defence of his Perſon, his Poſſeſſions, his Goods, or ſome other Perſons which he is obliged to protect from danger, and which cannot otherwiſe eſcape, this is Homicide allowable, being grounded upon neceſſity.

To kill one attempting felonioufly to Murder or Rob me in my Dwelling-houſe, or in or near any High-way, Cart-way, Horſe-way or Foot-way, or felonioufly attempts to break my Dwelling-houſe in the Night, I, my Servants or Company, whom the ſaid Offenders ſhall attempt to Rob or Murder, or any Perſon in my Dwelling-houſe my juſtifie to kill them, *&c.* 23 *H.* 8. 5. *Hob.*96. *Fitz. Coron.* 5. 10. 11.

In theſe caſes there is no forfeiture nor need of any Pardon.

If one comes to burn my Houſe, I or any of my Servants may ſhoot at them out of the Houſe, or may iſſue forth upon them, and kill them, for ſuch intent of theirs is Felonious, 20 *Aſſ.* 22. *Bro. Cor.* 100.

If a Woman kill a Perſon that attempts to raviſh her, this is juſtifiable, *Br.* 34.

If divers be in danger of drowning by Shipwreck, or otherwiſe, and ſome of them get upon a Plank, &c. and another to ſave his Life, thruſts them from it, whereby they are drowned, this is juſtifiable.

A Felon eſcaping out of Priſon, the Gaoler purſuing him, upon reſiſtance or refuſal to yield may kill him, but otherwiſe if in Priſon only for Debt, *Rolls Rep. ſecond part* 187.

If a Man forceably obtains and keeps Poſſeſſion of my Houſe, and I come in the Night and fire the Houſe, they within cannot juſtifie to ſhoot or kill me, or any of my Company, for that they in the Houſe were there unlawfully, *Cromp.* 26.

If one (in the day time) entreth into my Houſe, and there aſſault and beat me, and I kill him in defence of my perſon, yet I ſhall forfeit my Goods, and muſt have the Kings Pardon, without it be ſo found that he came there with a felonious intent to rob and murder me, *Fitz. Coron.* 305. 5 *Co.* 91.

If one cometh by Day or by Night, to enter into my Houſe, pretending Title thereunto, and puts me out of Poſſeſſion,

Poſſeſſion, and I kill him, this is Manſlaughter in me as it ſeems.

If one kill a true Man in defence of his Perſon, it muſt be upon ſuch inevitable neceſſity, as that he could not otherwiſe eſcape without being killed, maimed or wounded, and notwithſtanding he kill him upon ſuch neceſſity, yet he ſhall forfeit his Goods and Chattels, and is to have his Pardon of courſe for his Life and Lands, *Fitz. Cor.* 116. 5 *Co.* 91.

If *A.* make Affray upon *B.* and *B.* before he flies gives *A.* divers Wounds, and then flies to a ſtreight, and *A.* purſues him, and there *B.* gives him his Mortal Wound, this is Homicide in his own defence, *Fitz. Coron.* 284. and 286. *Stamf.* 15. But if *B.* upon Malice prepenſend had given *A.* the firſt ſtroke, and then *B.* flyeth to a ſtreight or Wall, and *A.* purſueth him, and ſtriketh him, and *B.* killeth *A.* thereupon, this is Murder in *B.* for the Malice prepenſed was the Ground and the original of it, *Fitz. Coron.* 387. 228. Yet notwithſtanding that there had been former Malice betwixt them, and both meet ſuddenly, and *A.* aſſaults *B.* who before any ſtroke by him given, flyeth as far as he can, and *A.* purſues him, then *B.* kills him, this ſeems to be Homicide in his own defence, notwithſtanding the precedent Malice. *A.* and *B.* (there being a former Malice between them) met accidentally in *London* Street, *A.* tells *B.* that he would fight with him, *B.* anſwers that he had nothing to ſay to him, and thereupon goes to the Wall, *A.* aſſaults him, then *B.* ſtrikes and kills him, yet being found that *A.* began the Affray, *B.* was diſcharged without forfeiting any thing, but that was by force of the Statute of 24 *H.* 8. *cap.* 5. 15 *Eliz. Cromp.* 77. *Capſtons* Caſe.

If a Thief aſſault me either to rob or kill me, I am not bound to flie to a Wall, no more is any Officer of Juſtice in the executing of his Office, *Stamf.* 14. *Co. Lib.* 98.

A Servant may juſtifie the killing of another in defence of his Maſters Perſon or Houſe, if the hurt cannot otherwiſe be avoided, *Bro. Cor.* 63. So he may kill one that robbed and killed his Maſter, ſo that it be done preſently, 21 *H.* 7. 39.

I may juſtifie the beating of another in the defence of the Poſſeſſion of my Good, but cannot kill him, unleſs he be a Thief that would have taken them from me.

In

In caſe of *Se defendendo*, there muſt be *extrema neceſſitas*, for a Man flying ſees a place beyond which he cannot go, or before he comes there kills his purſuer, this is juſtifiable, for he muſt go to the utmoſt place before he ſtrike, *H.* 159.

If a Park-keeper, *&c.* kill an Offender in his Park, *&c.* after Huy and Cry levied, and not yielded to it, is no Felony, *Cromp.* 30.

The Law is ſo, where a perſon is ſlain who diſobeyeth an Arreſt, which is in Execution of Juſtice, or by an Officer in keeping of the Peace.

CHAP. LXXI.

Horſes.

WHere ſtolen Horſes, *&c.* are ſold in open Fair any Juſtice within ſix Months may hear and determine the Claim of the Owner, *&c.* 31 *Eliz. cap.* 3.

In all Fairs, *&c.* where Horſes, *&c.* are to be ſold; a certain place ſhall be appointed for the ſame yearly; alſo a ſufficient perſon to take Toll, who ſhall continue in the place from the hour of ten in the Forenoon till Sun ſetting. And note the ſale of every Horſe ſold contrary to the Statute, 23 *Mar. cap.* 7. which provides,

1. That every Horſe be in the Fair at leaſt one hour between ten a Clock and Sun ſetting.

2. That all Parties to the Bargain ſhall come with the Horſe to the Book-keeper, *&c.*

3. That the Book-keeper, *&c.* ſhall take knowledge of the Chriſtian Name, Sir-Name, Miſtery and place both of the Seller and Buyer, and regiſter the ſame together with ſome eſpecial mark and price of the Horſe, and ſubſcribe the ſame.

4. That Toll ſhall be paid where due, and the Book-keeper ſuch his Entry.

If a Thief ſhall ſell an Horſe in the Market, *&c.* by a falſe Token, and regiſter the ſame, if the Buyer know the Horſe was ſtolen, or if the Horſe be ſold on the Sabbath; in all theſe Caſes the Sale is void.

A. ſteals an Horſe and ſells it in Market Overt, and there ſold by the Name of the Horſe of *B.* by the ſale the property is not altered, *Owen Rep. fol.* 27.

No

No Commoner in any Foreſt, Moor, *&c.* in the County of *Norfolk*, *&c.* ſhall put to Common any Stone Horſes under the height of fifteen handfuls, upon pain of Forfeiture of ſuch Horſes, 32 *H.* 8. *cap.* 13. 8 *Eliz. cap.* 8. 21 *Jac. cap.* 28.

If a Perſon find ſuch Horſe therein, he ſhall go to the Keeper of the Foreſt, *&c.* or to the Conſtable, *&c.* commanding them to bring the Horſe to the Pound, there to be meaſured, *&c.*

Juſtices and Stewards of Leets ſhall enquire of the Omiſſions againſt that Act, and certifie the Preſentments to the next Seſſions or to the *Cuſtos Rotulorum* within forty days; and the Juſtices ſhall determine the ſame; if the Steward do not certifie, *&c.* the Preſentment, he ſhall forfeit 40 *s.* to the King and Informer.

It is lawful for any perſon to tranſport Horſes and Mares to any part beyond the Seas paying for ſuch Horſe the Sum of 5 *s.* only, 22 *Car.* 2. *cap.* 13.

CHAP. LXXII.

Houſes of Correction.

JUſtices at the Quarter Seſſions may make Order for the erecting Houſes of Correction, 39 *Eliz. cap.* 4. continued 1 *Jac.* 1. *cap.* 7. 1 *Jac.* 1. *cap.* 25.

All Fines by the Act, except, *&c.* ſhall be imployed for the reparation of Houſes of Correction, *Ibid.*

The Lord Chancellor may grant his Commiſſion to enquire of Monies collected for the Maintenance of Houſes of Correction, *Ibid.* This Statute is continued by 3 *Car.* 1. *cap.* 3. 7 *Car.* 1. *cap.* 4.

Any perſon ſeized in Fee ſimple, may by Deed inrolled in Chancery, erect an Hoſpital-houſe of Correction, *&c.* 39 *El. cap.* 5. 2 *Inſt.* 700. and 20, 21 *Jac. cap.* 1.

A Houſe of Correction ſhall be provided (in every County where there is not one already) by the Juſtices of Peace, *&c.* or forfeit 5 *l.* to be imployed for the erecting, *&c.* of ſuch Houſe, 1 *Jac. cap.* 4.

The Seſſions may appoint Governours of Houſes of Correction who have Power to ſet to work Vagabonds, *&c. Ibid.*

Juſtices

Juſtices may appoint a yearly allowance to ſuch Governors, to be paid quarterly by the Treaſurer, appointed by 43 *Eliz. cap.* 2. *Ibid.* 2 *Inſtitut.* 700. 228.

If ſuch Governours ſhall not give a true Account, *&c.* to every Quarter-Seſſions. The Juſtices may there fine him at their diſcretion, *Ibid.*

A Juſtice of Peace may commit any idle perſon to the Houſe of Correction, but not order him to be whipt till Conviction, 1 *Sid.* 281.

Bridwel is a Priſon for Correction, and not the Sheriffs Priſon for Felons, and one may be ſent thither though the Offence be not Felony; and the cutting of Wood ſtanding to be puniſhed by whipping, *Style.* 27.

The Houſe of Correction is for the Poor of the Pariſh that refuſe to work there, they are to be whipped, and ſet on work, 2 *Bulſtr.* 358.

If a Woman be delivered of a Child in the Houſe of Correction, the Child muſt be ſent to the Pariſh from which the Mother was ſent, *Ibid.*

A Rogue may not be ſent to the Houſe of Correction, but whipped and ſent to the place where laſt ſetled (if known) elſe to the place of his Birth, *Ibid.*

CHAP. LXXIII.

Hunting.

A Juſtice where there is unlawful hunting by Night, and with diſguiſes in any Foreſt, *&c.* may upon Information of any perſon ſuſpected convene him before him, and examine him of that Hunting, *&c.* and if he conceal the ſame, ſuch Concealment ſhall be Felony; if he confeſs the Offence, it ſhall be but Treſpaſs, *&c.* Alſo the diſobeying ſuch a Warrant or making Reſcous, *&c.* is Felony, 1 *H.* 8. *cap.* 7. If he do not confeſs, he may be bound to the Good Behaviour, leſt he make his Eſcape.

Any Perſon which ſhall enter into any Park, *&c.* to hunt, *&c.* ſhall be impriſoned eight Months, pay treble Damages, and be bound with Sureties to the Good Behaviour for ſeven years, or continue in Priſon ſeven years, 5 *Eliz. cap.* 21.

Juſtices in their Seſſions may determine the Offence of Hunting, *&c.* againſt the Statute, *Ibid.*

Alſo

Alſo the party grieved upon ſatisfaction, *&c.* may releaſe the Suretyſhip at any time, See 3 *Jac. cap* 13. which continues the former Statute to all Parks made before that time, and as to hunt, *&c.* by Night.

If any kill Hares in the Snow, they ſhall forfeit 6 *l.* 8 *d.* 14 *H.* 8. *cap.* 10. See *Car.* 1. *cap.* 10.

One Juſtice may by Warrant, *&c.* authorize any Game-keeper (at the appointment) of any Lord of a Manor, not being of the degree of an Eſquire, to ſearch the Houſes, *&c.* of Perſons ſuſpected to keep Guns, *&c.* 22 & 23 *Car.* 2.

If any perſon ſhall chaſe, *&c.* any Conies, he ſhall pay treble Damages, and be in Priſon three Months till he find Sureties, *&c.*

If any Perſon in the Night ſhall kill, &c. any Conies upon the Borders of any Warren, &c. without leave of the Owner he ſhall make him ſuch ſatisfaction, &c. as ſhall be appointed by ſuch Juſtice, before whom he ſhall be convicted, and alſo pay to the Poor, &c. as the Juſtice ſhall order, *Ibid.*

If any Perſon ſhall be found ſetting any Hare-pipes, &c. he ſhall be convicted and puniſhed, *ut ſupra*, and may appeal from ſuch Juſtice to the next Quarter-Seſſions, where the Judgment ſhall be finable, *Ibid.*

No Perſon having a Park, &c. may keep Deer, Hares, &c. on pain to forfeit 40 *l. per menſem*, 19 *H.* 7. *cap.* 11.

No Perſon ſhall ſtalk with Buſh or Beaſt any Deer, &c. without leave of the Owner, &c. on forfeiture every time of 40 *l.* And two Juſtices may examine and commit upon this Statute, and have the tenth of the Forfeiture for their Labour.

Deer-Stealers.

1. *Stat.* 3 & 4 *W.* & *M. cap.* 10. If any perſons ſhall unlawfully courſe, hunt, take in Toyls, kill, wound or take away any Red or Fallow Deer in any Foreſt, Chaſe, Purlieu, Paddock, Wood, Park or other Ground encloſed, where Deer are or ſhall be uſually kept, without the Conſent of the Owner, or perſon intruſted with the keeping thereof, or being aiding therein, and ſhall be convicted by Confeſſion or the Oath of one Witneſs before a Juſtice of Peace of the County where the Offence ſhall be committed, or the Party apprehended, within a twelve Month after the Offence done they ſhall forfeit for every ſuch Offence 20 *l.* And for every Deer wounded, taken or killed 30 *l.* to be levied by Diſtreſs and Sale of Goods by Warrant from the Juſtice

Juſtice before whom the Conviction ſhall be made, the one third part to the Informer, the other third part to the Poor of the Pariſh, where the Offence ſhall be committed, and the other third part to the Owner of the Deer. And for want of a Diſtreſs, they ſhall be impriſoned a year, and ſet in the Pillory an hour, on ſome Market day, in the Town next adjoyning to the place where the Offence was committed, by the Chief Officer of ſuch Market Town, or his Under-Officers.

II. Conſtables, Headboroughs and Tything-Men by a Juſtices Warrant may enter and ſearch, as for ſtolen Goods, the Houſes and other places of ſuſpected perſons; and if any Veniſon or Skins of Deer or Toyls be found, ſhall carry ſuch Offender before a Juſtice of Peace, and if he do not give a good account how he came by them, and in ſome convenient time produce the Party of whom he bought them, or prove ſuch Sale upon Oath, he ſhall be convicted of ſuch Offence, and be ſubject to the Penalties hereby inflicted for killing a Deer.

III. The Conſtable or other Officer or Perſons proſecuting may detain ſuch Offenders in Cuſtody, if they do not preſently pay the Monies due by the Conviction, till a Return may be made of the Warrant for Diſtreſs, ſuch Detainer not exceeding two days.

IV. Owners of any ſuch Deer, or any acting under them, may reſiſt ſuch Offenders, and be indempnified, as if ſuch Fact had been committed in an ancient Chaſe or Park.

V. No *Certiorari* ſhall be allowed to remove any Conviction or other proceeding upon this Act, unleſs the Party convicted ſhall before it be allowed become bound to the Proſecutors in 50 *l.* with Sureties to be approved by the ſaid Juſtice, to pay within a Month after the Conviction confirmed, or a *Procedendo* granted, their full Coſts to be aſcertained upon Oath.

VI. No Offender puniſhed by virtue of this Act, ſhall incur the penalty of any other Law for the ſame Offence.

VII. Perſons proſecuted for any thing done in purſuance of this Act, may plead the general Iſſue, and give the ſpecial matter in Evidence.

VIII. If any Perſon ſhall in the Night time pull down or deſtroy, or cauſe to be pulled down or deſtroyed the Pales or Walls of any Park, Foreſt, *&c.* or other Ground incloſed, where Red or Fallow Deer ſhall be kept, ſuch Perſons being convicted by Oath of one Witneſs before a Juſtice of Peace, ſhall by ſuch Juſtices Warrant ſuffer Impriſonment for three Months. See before *Tit.* Game.

CHAP. LXXIV.

Huy and Cry.

THE Words ſignifie a Purſuit of ſuch as have committed Felony and fly for the ſame, and this every Juſtice may cauſe to be levied, when any Murder, *&c.* is committed, See 13 *Ed.* 1. *cap.* 1.

Any Perſon in the Company of one Murdered or Robbed, may forthwith repair to the next Conſtable, *&c.* and give notice thereof, and cauſe him to raiſe Huy and Cry after the Felon.

The Party robbed ought to give convenient Notice ſo ſoon as he can, *Noy* 155.

Yet the Party robbed is not bound to lend his Horſe to purſue the Thief, nor is he bound to go and purſue the Thief preſently.

An Oath made of a Robbery before the Juſtice of the County, though taken out of the County, is good.

Robbery after Day-break and before Sun-riſing (the Hundred muſt anſwer) ſo it is after Sun-ſet and before it is dark.

Though the Party know the Robber, yet he ſhall have an Action againſt the Hundred, See *March.* 10. *pl.* 18. 2 *Cro.* 106. 1 *Cro.* 211.

All Huy and Cry muſt be made immediately after Notice, from Town to Town, from County to County, and by Horſe-men, and Foot-meen, 28 *Ed.* 3. *cap.* 11. 1 *Ed.* 1. *cap.* 12. 27 *Eliz. cap.* 31.

The Officer of the Town where Huy and Cry is levied ought to ſend the ſame in Writing to every Town about, with a deſcription of the Felon, *&c.*

All Officers where Huy and Cry ſhall come, muſt ſearch all ſuſpected Places and ſeize all ſuſpected perſons, and carry them to ſome Juſtice to be examined.

CHAP.

CHAP. LXXV.

Indictments.

AN Indictment is the Kings Bill or Declaration in form of Law by way of Accuſation againſt one or more for ſome Offence, either Criminal or Penal, and prefer'd unto Jurors, and by their Verdict found preſented to be true, before a Judge or Officer, who hath Power to puniſh, or certifie the Offence.

Indictment, or rather Endictment is derived from the *French* Word *Enditer*, which is to ſet a Man out as he is, But Mr. *Lambert*, is of Opinion that the Word is derived of the Greek Ἐνδείκνυμι, I accuſe: It ſignifies in Law an Accuſation by an Inqueſt of twelve or more upon their Oath, and in Latine is called *Indictamentum*, *Co. Lit.* 126. 6. A Preſentment is a Declaration of the Jurors without any Bill offered before them; but an Indictment is grounded upon the Accuſation of a third perſon.

Care muſt be had that Indictments be carefully drawn, both for the matter and form, to which end,

In all Indictments of Felony or Treſpaſs, it is good to ſay *Againſt the Peace*, or Words *Tantamount*.

Theſe Words *with Force and Arms*, to wit, with Swords, *&c.* are not always neceſſary, yet it is good to uſe them, (eſpecially if the Fact require it) becauſe ſuch Circumſtances do aggravate or diminiſh the Offence, *Lamb.* 6. 484. *Stamf.* 94. 17 *H.* 8. *cap.* 8. But in an Indictment of Forceable Entry they are needleſs, becauſe the Word *Force* implies as much.

In all Indictments for Treaſon, Murder, Felony or Treſpaſs, the Words (*with Force and Arms*) are neceſſary; otherwiſe of Offences againſt the Peace only, as Conſpiracies, Slanders, Deceits, Eſcapes for Debt, *&c.* In Indictment upon Statutes, it is not needful nor ſafe to recite the Statute, for the Miſ-recital in the Matter, Year, Day or Place is fatal. But it is ſafe to conclude it thus, *ſc. againſt the form of the Statute in ſuch Caſe made and provided*, or of many Statutes, *&c.* where there are many Statutes that concern the Offence, 4 *Co.* 48. 84. *Dyer* 363. *Cromp.* 104.

Though the Statute need not be recited, yet the ſubſtance and material Words of it, muſt be fully ſet down, *Plowd.* 1. *and* 79. *Co. Lit.* 98. 9 *Co. Lamb.* 485.

Indictments being in the nature of Declarations for the King muſt contain certainty, for they cannot be ſupplied by Intendment, 5 *Co.* 120. *Plowd.* 84. 122. And therefore theſe things are requiſite in them.

1. The Names and Sirnames both of the Parties indicted, and offended with the Addition of the degree, Myſtery, and dwelling-place, (both Town and County) of the perſon indicted, if it be poſſible; but an Indictment againſt unknown Perſons, or taking the Goods of a Perſon unknown, *&c.* may be good, *Bro. Indict.* 6. 10, 11. *Dyer* 99. *Plowd.* 85. 6. *Lamb.* 478. 476.

2. The time, *ſc.* the day and year when the Offence was was done.

3. The Place, *ſc.* the Town and County where it was done as at C. in the County of *S.*

4. The Name or Quality of the things in which the Offence is done, *ſc.* of dead things, it may be Goods and Chattles, expreſſing them in certainty; of living things, Horſe, Ox, *&c.* but not Goods and Chattels; So of Entry, *&c.* to expreſs whether it be Houſe, Land, Meadow, *&c.*

5. The value or price of the thing is to be ſet down to aggravate the Fault.

6. The manner of the Fact, and nature of the Offence, Felony, Treſpaſs, *&c.* See *Bro. Indict.* 7. and 36. *Lamb.* 480.

The Jury are not ſo ſtrictly tied to the form of Indictments as to the manner of Fact. But they ought to be framed ſo near as may be to the truth, becauſe they are ſworn unto by the Jury, 9 *Co.* 119. *Plowd.* 84.

Falſe Latine ſhall not vitiate the Indictment, 5 *Co.* 121.

Note, That words of Art (allowed by the Sages of the Law as *Meſſuagium*, *Toſtum*, &c. though not by the Grammarians) ought to be uſed; for all Sciences have their *Vocabula Artis.*

But falſe Writing or incongruous Latine, *Thinti* for *Viginti*, *prefato* for *præfato*, &c. though they ſhould not be ſo uſed, yet they will not make void an Indictment or Deed.

Yet Words inſenſible, eſpecially Words of Art falſly written, as *Murdredum* for *Murdrum*, *Burgariter* for *Burglariter*, *Feloniter* for *Felonice*, &c. (being not Latine Words nor Words of Art) will void an Indictment, except they be Surpluſage, 4 *Co.* 39, 42. and 10. 133. *Quære*, if they be amendable.

An Indictment againſt four for ſeveral Offences, it ought to be *ſeparaliter*, *Palm.* 368.

One

One may be Indicted for diſobeying an Order of Seſſions, but *Quere* if a Juſtice of Peace may commit one for diſobeying an Order of Seſſions.

If one collect any thing *pro bono publico*, if he will not hold imploy accordingly he may be indicted, 1 *Roll. Rep. fol.* 2.

Evil addition or no addition of a Party indicted is cured by his appearance, 1 *Syd.* 247.

Indictment was quaſhed becauſe it was *Quod cum* the Defendant, *H.* 1 *Jac.* 2. the King and *Tundal.*

One indicted for drawing his Sword in *Weſtminſter-Hall*, the Court ſitting, *Owen* 120.

An Indictment for ſtriking in the Church-yard, *Noy* 169.

An Indictment naught becauſe the Name of the things were not put in, *Noy* 41.

An Indictment naught becauſe no place is put until after the *alias dictus*, *Noy* 32.

An Indictment not amendable, *Winch* 66. *Vid. Stat.* 28 *Eliz.*

CHAP. LXXVI.

Information.

THERE are two ſorts of Informers, taken notice of both by the Common and Civil Law, Firſt, *voluntarius*, which is not ſo creditable as neceſſary; Secondly, *Neceſſarius qui invitus facit propter officii neceſſitatem*, ſuch are the Kings Attorney, and Clerk of the Crown in the Kings Bench, and theſe are *Honorary*. Severe Laws have been made for the regulating of Common Informers, by which Proviſion is made.

1. That every Informer ſhall exhibit his Information in Perſon, or by Attorney, and not by Deputy, 19 *Eliz. cap.* 5.

2. None ſhall purſue upon any Penal Statute but by Original Action or Information, and not otherwiſe.

3. Upon every Information, note ſhall be made of the Day, Month and Year, of exhibiting thereof, without antedating, and to be accounted of Record from that time and not before.

4. Until the Information be exhibited in form aforeſaid no Proceſs ſhall iſſue, and upon ſuch Proceſs, as well the Name of the Proſecutor, as of the Statute whereupon he proceeds ſhall be indorſed.

5. The Clerk which doth contrary-ways ſhall forfeit 40 *s.* to the Queen and Party proſecuted.

6. No Informer ſhall agree with the Offender without the Courts leave.

7. All Perſons except Clerks in Court offending againſt this Act (being thereof convicted) ſhall ſtand two hours in the Pillory in the next Market, and be diſabled to be an Informer, and forfeit 10 *l.* to the Queen and Party grieved.

8. If any Informer delay his Suit, diſcontinue, be Non-ſuited, or if a Verdict and Judgment paſs againſt him, ſhall pay Coſts to the Defendant.

But this Act ſhall not extend,

1. To Officers of Record who have uſed to exhibit Informations.

2. Nor to Informations on the Statutes of Maintenance, Champerty, buying Titles or Embracery, as to the Parties grieved.

3. Nor to Perſons to whom any Forfeitures is given in certainty.

The Seſſions may hear and determine Offences againſt this Act, which is made perpetual by the Statute of 27 *Eliz.* 10.

No Man ſhall be an Informer at, or in any of the Kings Courts, that is diſabled for any Miſdemeanour, 31 *Eliz.* 5.

A County muſt be alledged, for it is traverſable by the Defendant, except in Champerty, and Offences againſt 1 *Eliz.* 11. and 1 *Eliz.* 20. For Tonnage and Poundage, Uſury, Regrating, Foreſtalling or Ingroſſing, where the Penalty exceeds 20 *l.* every Suit for an Offence, the Forfeiture whereof is given only to the King, ſhall be brought within two years after the Offence. And where the Forfeiture is given to the King, and another within one year, except on the Statutes of Tallage, by the Party that will ſue, or in his default within two years after by the Queen.

All Suits for uſing unlawful Games, or for uſing a Trade without having been an Apprentice, ſhall be determined only in the Seſſions or Aſſizes of the County.

If the Defendant in a Popular Action plead a Recovery in Bar, the Plaintiff may aver that it was by Covin, and if it

it be found, the Plaintiff ſhall have Judgment, and the Defendant be impriſoned for two years, and a Releaſe of the Party ſhall not avail him, 4 *H.* 7. 20.

Every Informer upon penal Statutes before Juſtices of Aſſizes, *&c.* or at the Seſſions ſhall try his Suit of Action, Bill, Plaint, Information or Indictment before the Juſtices of Aſſizes, or of the Peace of that County, City, Town Corporate at his Election and not elſewhere, 21 *Jac.* 4.

The Proceſs ſhall be awarded as is uſual in Actions of *vi & armis*, at the Common Law, *Ibid.*

Except againſt ſuch as ſhall not frequent the Church, for Champerty, *&c.* for tranſporting of Gold, Silver, Ordnance, Powder, Shot, Munition, Wool, Woolfel or Leather, *&c. Ibid.*

No Officer ſhall file any Information, *&c.* on a Penal Statute which by the ſame is tried in the proper County, till the Informer make Oath that the Offence was not committed in any other County, than where he lays it, *Ibid.*

The Defendant to any Information, *&c.* may plead the General Iſſue, and give the ſpecial Matter in Evidence, *Ibid.*

An Information againſt one for forging an Entry in a Pariſh Book of Marriages, and the Party fined, 2 *Syd.* 71.

Touching Informations obſerve.

1. That the ſame perſon cannot exhibit two Informations, though in ſeveral Courts; and the Defendant may plead the firſt in Bar to the ſecond, *Hob.* 209.

2. If two Informers exhibit Informations againſt the ſame Perſon for the ſame Offence on the ſame day, both are void, *Hob.* 228.

3. Informations, *&c.* on Penal Statutes are *Stricti juris*, and excepted out of all Statutes of Jeofails.

4. The Statute of 21 *Jac.* 4. doth not give any Juriſdiction to our Juſtices where they had none before, See *Cro. Car. Farringtons* Caſe, and *Greens* Caſe.

5. The Party grieved may bring his Information, *&c.* in any County; for the Statute of 31 *Eliz.* 5. extends not to him, *Cro. Eliz.* 645. *Allens* Caſe.

6. If Juriſdiction be given to the Seſſions they ſhall try by Indictment, and not by Information, except it be expreſly given them by the Statute, *Jones Rep.* 133.

7. Where the Suit is given to the Kings Courts of Record, or to any Court of Record, it is intended the Courts at *Weſtminſter*, *Jones Rep.* 193.

In an Information *tam, quam,* if the Informer die or do not proſecute, yet the Attorney General may proſecute for the King. So likewiſe the Informer may proceed notwithſtanding a *Nolle proſequi*, for the King, 3 *Inſt. cap. Informer. Inholders*, ſee *cap. Alehouſes.*

CHAP. LXXVII.

Judgment.

FOR the Judgment in Treaſon and Petty-Treaſon, the Juſtices are not to meddle therewith, and whoſoever is minded to ſearch the ſame may look into *Stamf. lib.* 3. *cap.* 19. and my Lord *Cokes Pleas of the Crown.*

In caſe of Felony, the Judgment is, *You ſhall be carried back to the Priſon from whence you came, and from thence be had to the place of Execution, and there be hanged by the Neck till you be dead*; *And the Lord have Mercy upon your Soul.*

In caſes of Petty Larceny the Juſtices may award the Party to be whipped at the Carts-Tail or Whipping-Poſt, for Whipping is now become the uſual puniſhment, though formerly it was puniſhed by Pillory, cutting off the Ears, *&c. Co.* 4 *Inſt.* 218.

By many Statutes peculiar puniſhments are appointed for divers Offences: And in theſe Caſes no room is left for the Juſtices Diſcretion; for if the King cannot alter the Execution, much leſs an Inferior Court. And therefore the Courſe in ſome Counties to admit a Party indicted on a Penal Statute, to ſubmit with a proteſtation, Not-Guilty, and thereupon to mitigate the Penalty, is not warrantable.

If a Woman be convicted of taking Goods above the value of 12 *d.* and under 10 *s.* or as Acceſſory to ſuch Offence for which a Man might have his Clergy, ſhe ſhall for the firſt Offence be marked upon the Brawn of the Left Thumb, with a burning Iron with a T in open Court, and be farther puniſhed by Whipping, *&c.* or by being impriſoned not exceeding one year, as the Court ſhall think fit, 21 *Jac.* 6.

But if ſhe offend the ſecond time, ſhe is to have Judgment of Death, as ſhe was to have had at Common Law.

CHAP.

CHAP. LXXVIII.

Jurors and Challenges.

THIS way of Tryal was contemptorary with the Foundations of the Government, and hath continued ever ſince under all the Revolutions of times. *Ad queſtionem juris reſpondent judices, ad queſtionem facti reſpondent Juratores.* This is ſo great a Birth-right, that every Subject which refuſeth it, is to be puniſhed with *paine, fort & dure.*

In Matters of Crime and Forfeiture, every *Engliſh-man* is to paſs a double Jury before he be condemned.

Jurors are returned by the Sheriff by virtue of a Precept to that purpoſe, againſt which at Common Law, both King and Subject had two lawful Challenges, Peremptory and upon cauſe ſhewed.

It is provided by 33 *Ed.* 1. That in caſe of Felony, the King ſhall not Challenge Peremptorily, but muſt ſhew cauſe, which ſhall be Tryed, and if not found ſufficient, rejected.

Yet the Peremptory Challenge remaineth for the Party, but it is abridged by 32 *H.* 8. *cap.* 30. for whereas at Common Law he might have challenged thirty five, without cauſe ſhewed, it is now reduced to twenty, and if challenge beyond that number, it is a waving his Tryal. But he may challenge as many as he pleaſe for cauſe ſhewn, which ſhall be Tryed as before.

If any Juror be returned at the nomination of any other than the Sheriff or his Bayliff Sworn, the Indictment is void, by Stat. 11 *H.* 4. 9. Every Juror ought to be *liber & legalis homo, liber i. e.* not a Villain, *legalis*, nor Attainted or Outlawed in a Perſonal Action, for this ſeems to be a cauſe to ſet aſide the Indictment, *Jones Rep.* 196.

Jurors ought to be duly Impannelled and Returned, and Jurors which paſs upon Men in Tryals for High Treaſon, ought to be Free-holders, *Anno primo W. & M.*

Where Jurors are Outlawed their acts are void, and ſo if not Returned by the Sheriff, *Ley* 81.

In an Appeal of Manſlaughter, the Defendant may Challenge twenty peremptory, *Moor* 12.

Jury-men likewiſe ought to be ſufficient, 1. *Reſpectu cenſus*, every one muſt have forty ſhillings Free-hold *per annum*, but

if

if he be not challenged, the Tryal is good. 2. *Reſpectu rationis*, no Ideot, Lunatick, *&c.* See now the Statute 23 *H.* 8. 13. Every Subject having the clear value of forty pounds, except Knights and Eſquires, may ſerve in ſuch Juries.

Foreigners are to have a peculiar way of Tryal, *de medietate linguæ*, ſix Engliſh and ſix Foreigners, if there be ſo many in the place, if not, as many as may be found there, and theſe may be of any Nation, but the Party muſt pray ſuch Jury. *Note*, Perſons calling themſelves *Ægyptians*, are ouſted of this benefit, by 1 *&* 2 *P. M. c.* 4.

It is a good Challenge to a Juror, That he was one of the Parties Indictors, for he ſhall not preſume to change his mind, See Statute 25 *Ed* 3. 3.

See more fully for cauſe of Challenge in Criminal Matters, *Stamf. Lib.* 5. 7. and *Coke* 1 *Inſt. f.* 126.

Juſtices of Peace may enquire of Concealment by former Juries, puniſh them by Amercement, 13 *H.* 1. *cap.* 1.

Touching which Matter, conſider

1. The Matters which they by puniſhed for the Concealment of, muſt be ſuch as may be preſented before the Juſtices.

2. The Concealments of Inqueſt taken before Juſtices out of Seſſions, or before Coroners, or in Leets, or in the Sheriffs Turn, may be enquired of before them in the Seſſions.

3. Every Juror which ſhall enquire of ſuch Concealments muſt have forty ſhillings Free-hold *per annum*.

4. Such enquiring muſt be of Concealments by former Juries, of matters preſented before them, or Bills.

5. Such Enquiry muſt be made within the year after ſuch Concealment.

6. The Amercement muſt be reaſonable, although it be directed to be by diſcretion. See *F. N. B.* 175. in the Writ, *De moderata miſericordia.*

7. The Inqueſt ought to conſiſt of as many or more, as the firſt Inqueſt did.

8. Notwithſtanding any Complaint, yet the Juſtices may take or refuſe ſuch Inqueſt as they ſee cauſe.

9. Such Amercement muſt be ſet in full Seſſions.

The Jury upon any Iſſue (if they doubt of the Law) may give a Special Verdict, and this by the Common Law, before *Weſt.* 2. *cap.* 3. See *Co.* 2. *Inſt.* 425. Every Juror between Party and Party in the Courts at *Weſtminſter*, at the

the Aſſiſes, *&c.* *Oyer* and *Terminer*, or General, or Quarter Seſſions of the Peace, ſhall have in his own Right or Intereſt, for him within the ſame County, twenty pounds *per annum* Free-hold above Repriſes, and if he have not ſo much, it ſhall be a juſt cauſe of Challenge, Statute 16 and 17 *Car.* 2. *cap.* 3. But this Statute is expired.

CHAP. LXXIX.

Juſtification.

THE Conſtable may juſtifie the Impriſonment of one that leaves a Baſtard Child in a Church Yard, *Moor* 284.

An Aſſault made upon him that takes my Goods, and will not them deliver, is juſtifiable, *Kelw.* 92. *a.*

To kill a Thief or a Burglar in defence of a Mans Perſon or Houſe, is not Felony. See *Juſtifiable*, *Hob.* 96

CHAP. LXXX.

Larceny.

LArceny is derived from the Latin word *Latrocinium*, which ſignifies properly a Fraudulent and Felonious taking away another Mans perſonal Goods, removed from his perſon and againſt his will.

This differs it from Robbery, which is always the taking of ſomething from the perſon. Larceny is two-fold, either Grand Larceny, when Goods are ſtolen, which be above the value of twelve pence, and this is Felony of death, except the Offender be favoured by his Clergy.

If the Goods be of the value of ten ſhillings, or more, yet if the Jury finds that they exceed not the value of twelve pence, it ſhall not be adjudged Grand Larceny.

Petty Larceny is, when the Goods ſtolen exceed not the value of twelve pence. The puniſhment of this Offince is Impriſonment for a time, and then to be whipped.

Though this be not Felony of death, yet the taking is felonious, and accordingly the Indictment muſt be *Quod Felonice*

Felonice cepit, and the party ſhall forfeit all his Goods and Chattels.

This Offence, as to ſome matters, is but in the nature of a Treſpaſs, and the Procurers, Receivers, *&c.* are no Acceſſories, yet they may be ſent to the Houſe of Correction, or otherwiſe puniſhed.

If a Perſon ſteal Goods to the value of four pence at one time, of ſix pence at another time, and after that again of other Goods to the value of three pence, and all theſe from one Man, they may be put together in one Indictment, and the Party ſhall have Judgment of Felony, *Fitz. Coron.* 415. *Stam.* 24. *Cra.* 36.

If two or more together ſteal Goods above the value of twelve pence, it is Felony of death in them all, and that ſeverally, though the taking be joynt, *Fitz. Coron.* 404. *Stam.* 24.

In both theſe ſorts of Larceny, two things muſt concur, *ſc.* the taking and removing of the Goods, with an intent to ſteal them, and the Indictment is *cepit & aſportavit*, or *cepit & abduxit*.

Yet in ſome caſes where the Goods are delivered, yet the ſtealing of them may make it Felony.

As if a Taverner ſet a Plate before his Gueſt to drink in, and he carry it away, for he gave not the the poſſeſſion but the uſe of it, 13 *Ed.* 4. *f.* 9. *Stamf.* 25.

So it is, if I deliver Goods to a Carrier, *&c.* to carry to a place appointed, which he doth, and taketh them thence fraudulently; for the Bailment was determined; ſo if he take a parcel of the Goods, or carry them to another place and there conceals them. But it is held by ſome, that if he do not break open the Goods it is no Felony, for the property is not altered.

If *A.* lends his Horſe to *B.* who rides away with him, it is no Felony becauſe of the delivery.

If a Clothier deliver Wool, *&c.* to his Spinſter, *&c.* to be wrought, who carries it away, it is no Felony, but puniſhable by whipping, 7 *Jac. cap.* 7.

If I give Mony to my Servant to keep, my Horſe to my Groom, my Sheep to my Shepheard, and they run away with them, this is Felony at Common Law, for they had not the poſſeſſion, but the uſe of them.

By the Statute 21 *H.* 8. *cap.* 7. which is made perpetual by the Statute of 5 *Eliz. cap.* 10.

If any Servaut of the age of eighteen years, not being an Apprentice, to whom Mony, Goods, *&c.* of the value of

of 40 *s.* or more, ſhall be delivered him by his Maſter, to be kept for him, ſhall imbezel or convert the ſame, it is Felony, ſo as the Party be proſecuted within the year.

If a Maſter deliver to his Servant a Bond to receive the Mony upon it, or Goods to be ſold for him, which he does, and imbezels the Mony, it is no Felony within the Statute, becauſe the Mony was not delivered him by his Maſter, *Dyer f.* 5.

But if the Servant receive 20 *l.* in Gold which he exchangeth for Silver, and runs away with it, it is Felony by this Statute.

The ſecond thing required in Larceny, is the taking away, or at leaſt removing of the Goods with a felonious intent.

As if the Gueſt take the Sheets, *&c.* out of his Chamber, and then goeth for his Horſe; or if one take a Horſe in the Owners Cloſe, with an intent to ſteal, and be apprehended before he hath taken him out of the Field, *Lamb.* 77. *Cromp.* 36.

If a Perſon ſteal a Tree or other thing which is part of the Freehold, or any thing that is *feræ naturæ*, and is not reclaimed, it is no Felony; but the taking of a Tree, *&c.* which is ſevered from the Freehold, or a Deer, *&c.* which is made tame is Felony.

Young Pigeons in a Dove-houſe, and Fiſh in a Trunk, or old Pigeons taken out of a Dove-houſe is Felony at Common Law.

It is Felony to take any Swans marked though at large, ſo it is to take young Hawks or Herns out of their Neſts, *Co. Lit.* 7. *f.* 16.

It is no Felony by the Statute of 1 *H.* 7. *cap.* 7. to ſteal or conceal a Hawk, *&c.* ſuch things as are *feræ naturæ*, whilſt they are in the poſſeſſion of any Perſon who hath a qualified property in them, if they be taken away it is Felony, but it is not ſo if they be out of his poſſeſſion, but if any Hawk be flying at a Fowl, or my Deer be hunted by my Dogs, and my Servant be with them, they are in my poſſeſſion, and it is Felony to ſteal them.

Larceny cannot be committed by taking any Dogs, Parrets, Squirrels, Singing-Birds, *&c.* though reclaimed, becauſe they are but Matters of Pleaſure, *Lambert* 270.

Fleſh

Fleſh of Wild-beaſt or Fowl killed, if it be ſtolen it is Felony, though it be not taken from the poſſeſſion of any Man; ſo it is to pluck the Wool off the Sheeps Back and carry it away.

To take Lead off a Houſe or Church, to take the Deeds of a Mans Lands, or any Specialty, or other Writing, though in a Box, is not Felony, for theſe are part of the Freehold, or of the nature thereof, *Co. lit.* §. 33.

Where there is a certain Owner of Goods, though the Owner be not known, yet it is Felony to ſteal them, and therefore an Indictment for ſtealing, *bona cujuſdam hominis ignoti*, or *bona parochianorum*, *&c.* is good, *Cro. Car.* 25. *Dyer* 99.

But where it is uncertain, who can be the Owner and have the general property of Goods, there that is no Theft to take them away; as Treaſure-Trove, Wreck-goods, waived or Eſtrays, *Stamf* 25. *Bro. Coron.* 176.

The ſtealing of a Winding-ſheet from a dead Carcaſs was held to be but a Miſdemeanour, and the Offender was Whipped for it at *Cambridge Aſſizes*, 1617.

Note, A Man may commit Felony by taking his own Goods, as if *A.* lends Goods to *B.* to keep, and after takes them away with an intent to charge *B.* this is Felony in *A.* though the property was in him, *Bro. Coron.* 147. *Stamf.* 26.

If a Feme-Covert ſteal by conſtraint of her Husband it is no Felony in her *Fitz. Coron.* 160, 199. *Bro. Coron.* 180. Otherwiſe where ſhe does by his command without compulſion, *Stamf.* 142. 26, 27.

If the Husband and Wife ſteal Goods joyntly, this is Felony in the Husband only, *Stamf.* 26. *Fitz. Coron.* 16. *B.* 31, 37.

The Wife without the Husbands knowledge may be either Principal or Acceſſory as the Caſe is.

If the Wife ſteal Goods delivered to the Husband (without his knowledge) it is no Felony.

If a Married Woman deliver her Husbands Goods to her Adulterer, this is Felony in the Taker.

If a Servant by his Maſters compulſion ſteal another Mans Goods, it is Felony in them both.

A Bailiff diſtraineth ſecretly for Rent, and ſelleth the Diſtreſs, and upon demand of the Owner denieth the Goods, this is Felony.

If

If an Eſcheator or other Officer telleth a Man that he is Outlawed (knowing the contrary) and by colour thereof taketh his Goods, 'tis Felony.

If an Officer levies any Duty for the King without Warrant, it is Felony, *Dalton* Sheriff, *cap.* 126.

So it is where an Officer levies a Duty without Authority and Converts the ſame to his own uſe.

See *Tit. Lodgers.*

CHAP. LXXXI.

Labourers and Apprentices.

EVery Juſtice upon requeſt may cauſe Perſons meet for Labour to work by the day in Hay-time, and in Harveſt-time, or impriſon them two days and one night, or forfeit 40 *s.* 5 *Eliz. cap.* 4.

One Juſtice may Licence ſuch Labourers to their work from one County to another.

Any Juſtice may compel any meet Perſon under the age of twenty one years, to be bound an Apprentice in Huſbandry, as ſhall require it, and upon refuſal to ſerve, commit the Party, *ibid.*

An Apprentice is one who is bound by Covenant indented to ſerve a Man of Trade for certain years, to be inſtructed in his Art. See the Statute of 5 *Eliz. cap.* 4. What Perſons may be bound Apprentices by the Juſtices.

A Juſtice of Peace may take order betwixt Maſters and their Apprentices, and for want of Conformity in the Maſter, may bind him over to the next Seſſions, where the Juſtice, *&c.* for good cauſe may diſcharge the Apprentice; but if there be default in the Apprentice, the ſaid Juſtice may ſend him to the Houſe of Correction, 7 *Jac. cap.* 4.

If an Apprentice ſhall Steal from his Maſter above the value of twelve pence, any one Juſtice upon proof thereof may commit him and his Complices; if under twelve pence value they may be committed to the Houſe of Correction.

No Maſter, *&c.* ſhall put away his Servant at the end of his Term without having given him one Quarters warning before two Witneſſes, nor before the end of his Term ſaving for reaſonable cauſe to be allowed of by a Juſtice

a Juſtice of Peace, *&c.* But an Apprentice cannot be diſcharged but by four Juſtices in open Seſſions, 5 *Eliz. cap.* 4.

If a Servant depart before the end of his Term unlawfully, or at the end of his Term without a quarters warning, *&c.* Or if a Perſon retained in Husbandry refuſe to ſerve, or to take his allowed Wages, two Juſtices of Peace may examine the matter and commit the faulty Perſon without Bail, till he be bound to his Maſter to continue with him, *&c.* And yet one Juſtice may grant his Warrant to attach ſuch Servant to anſwer at the Seſſions, *&c.* or to ſend ſuch diſorderly Servant to the Houſe of Correction, 7 *Jac. cap.* 4.

Any Perſon unmarried, or Perſon married under the age of thirty years, and brought up in any Art, *&c.* in the Statute mentioned, is compellable to ſerve in the ſame, except he have 40 *s.* in Land, *&c.* or 40 *l.* of Goods allowed of by two Juſtices, *&c.* or ſome Farm or Tillage.

Alſo every Perſon between the age of twelve and threeſcore not retained by the ſaid Statute, nor a Gentleman born, *&c.* ſhall be compelled to ſerve in Husbandry by the year, *Ibid.*

Two Juſtices may impriſon without Bail the Maſter for ten days, or the Servant for twenty days, who ſhall give or take exceſſive Wages.

The Wages of Servants, *&c.* ſhall be aſſeſſed at every Quarter Seſſions, and alſo of Artificers of Handycraft and Labour, according to the ſaid Statute, of which Rates Proclamation ſhall be made.

Every Juſtice ſhall be preſent at the taxing, not having reaſonable cauſe of abſence to be allowed of by the Juſtice, or forfeit 10 *l.*

No Perſon under Penalty of Impriſonment, *&c.* may retain a Servant for leſs than one whole year, *Fitz.* 168. 1 *Inſt.* 426.

And note, That a retainer or promiſe of payment of Wages contrary to this Statute, and every Bond to ſuch purpoſe ſhall be utterly void.

Two Juſtices may commit ſuch Servants, *&c.* for one year, or leſs, as ſhall Aſſault his Maſter, *&c.* the Offence being by Confeſſion, or two Witneſſes, *Ibid.*

Two Juſtices may compel any Woman aged twelve, and under forty years unmarried and out of Service, to be retained by the year, *&c.* or commit her upon refuſal till ſhe be bound to ſerve, *Ibid.*

By

By the Common Law no Man is prohibited to work in any lawful Trade, 11 *Co.* 53 and 86.

If a Man bind himſelf not to uſe his Trade, the Bond is void, but if he bind himſelf not to uſe a Trade in a particular Town, 'tis good.

No Man is prohibited at Common Law to uſe divers Trades. See 28 *Ed.* 3. *cap.* 2. Therefore an Ordinance to reſtrain any one therein is void.

No one ſhall uſe any Art or Myſtery, *&c.* except he be brought up an Apprentice therein ſeven years, 5 *El. cap.* 5. Hemp-Dreſſers, Makers of Hemp-Cloth, Nets and Tapeſtry, are excepted, 15 *Car.* 2. *cap.* 15.

Any Perſon may uſe privately any Trade for the uſe of the Family whereof he is a Member, 8 *Co.* 129. but ſuch a one cannot retain an Apprentice.

No Imployment which requires not extraordinary skill to exerciſe it, is within this Statute, as Digging, Plowing, &c. 1. *Roll Rep.* 10.

A Man that holds Lands of his Lord to work yearly, ſhall not be compelled to ſervice, &c. 40 *Ed.* 3. *cap.* 39. *Cromp.* 185.

If a Man who is not ſufficient to keep a Servant, ſhall retain one notwithſtanding, ſuch Retainer is void, *Fitz. Herb.*

If a Man retain a Labourer, *&c.* to ſerve him generally this Retainer is good for one year, and he ſhall be paid the Wages aſſeſſed by Proclamation, 3 *H.* 6. *f.* 23.

A Maſter retaining a Servant of another Mans, not having a Teſtimonial, ſhall forfeit 5 *l.* and he is bound to take notice of any Retainer within the ſame County, 17 *Ed.* 4. *f.* 7. *Br. Notice* 20.

If a Servant depart without Teſtimonial he ſhall be impriſoned till he procure one, or within twenty days after be uſed as a Vagabond: The ſame Puniſhment if he be taken with a Counterfeit Teſtimonial, by the Retainer, the Servant is by Conſtruction of the Law in his Maſters Service immediately, 41 *Ed.* 3. *cap.* 20. 46 *Ed.* 34. *&c.* If a Servant depart, his Maſter may take him, or a Conſtable may ſeize him and carry him to his Maſter, *Fitzherb. Tit. Labourers* 65.

No Artificer, *&c.* who ſhall take any piece of Work by the Great, ſhall depart from the ſame without Licence, or other lawful Cauſe, upon pain of Impriſonment for a Month, without Bail, and the Party ſhall have his Action and Coſts, 5 *Eliz. cap.* 4.

No Master can discharge his Servant during his Term without his consent, or for reasonable cause to be allowed by one Justice, or forfeit 40 *s. Quere.*

A Servant may be discharged by a Word, an Apprentice no otherwise than by Writing.

If a Servant be retained according to the Statute, his Masters Executors shall be chargeable to pay his Wages, 2 *H.* 8. *cap.* 15. *Bro. Lamb.*

If a Servant grow Sick before the end of his Term his Master cannot put him away nor abate his Wages.

If a Servant refuse to do Service its a departure in Law.

If a Master detain Wages, Meat or Drink, 'tis a good cause of departure.

If a Servant depart, *&c.* unlawfully into another Shire, the Sheriff of the County where he departed may grant his Warrant to the Sheriff, *&c.* where such Servant is gone, to prison him till he find Sureties to serve again, *Ibid.*

Justices shall enquire twice a year of the breach of this Statute, one moiety of the Forfeiture shall go to the King, the other to the Informer, and the Justices may determine the Offences, *Hob.* 183.

An Indictment for retaining a Servant without a Testimonial, *Mod. Rep.* 78.

An Indictment for seducing an Apprentice, 1 *Keble* 814.

A Master is bound to find Meat and Drink, and other Necessaries for his Servant, 34 *H.* 6. *f.* 26.

If the Master puts his Servant upon an unlawful Act the Master shall answer for it, *Moor* 777.

If a Servant fall sick who is a covenanted Servant, and hired for a year, and his Master turn him away, the being in his Service is a settlement in that Parish, *Stiles* 168.

An Apprentice by Indenture may not be discharged by word, 22 *H.* 6. *f.* 32.

A Servant retained may not depart his Masters Service without reasonable warning, 38 *H.* 6. *f.* 13.

A Labourer denying to do his Masters Command is a departure out of his Service, 3 *H.* 6. *f.* 37.

If upon the default of the Master the Indenture is not inrolled within the year, the Apprentice may sue it out, and shall be discharged, otherwise if it be the Apprentices default, 2 *Roll. Rep.* 305. *Palmer*, 361.

An Apprentice shall be discharged of a bad Master as well as the Master shall be discharged of a bad Apprentice, 1 *Saund.* 315. *Mod. Rep.* 287.

Justices

Juſtices of Peace may inflict Corporal Puniſhment upon an Apprentice, or diſcharge him from his Maſter, *Saund.* 316.

The Seſſions have nothing to do concerning an Apprentice before it come before a private Juſtice, *Mod. Rep.* 287.

CHAP. LXXXII.

Leather.

NO Butchers ſhall cut the Hide of any Ox *&c.* See *Tit. Butchers.*

No Butchers ſhall Water any Hide but in *June*, *July* or *Auguſt*, nor ſell Hides putrified, on pain of forfeiting 3 *s.* 4 *d.* for each Hide, nor uſe the Trade of a Tanner on pain of 6 *s.* 8 *d. per diem.*

No Perſon ſhall Tan Leather, *&c.* except he hath ſerved, or been inſtructed therein for the ſpace of ſeven years, or except the Wife, Daughter or Daughters Husband, to whom ſhall be left a Tan-houſe with Fats, or ſuch Sons to whom a Tan-houſe ſhall be left, and who have uſed the Trade four years, upon pain to loſe the Leather.

No Tanner ſhall cut Leather on pain to forfeit it or the value.

No Perſon, *&c.* ſhall buy, *&c.* Rough Hides or Calves-skins, except a Tanner, *&c.* unleſs it be raw Hides for Ships, or forfeit the Leather or the value.

No Perſon ſhall foreſtal Hides, or buy, but in Market, or of the Owner who killed the Beaſt, *&c.* penalty 6 *s.* 8 *d.*

No Man not being a Tanner ſhall buy unwrought Leather unleſs to work up the ſame into Wares, on Forfeiture of the Leather or the value, 1 *Jac. cap.* 22. See there at large how Leather ſhall be tanned.

No Man ſhall ſell any Tanned Leather, and unwrought, before it be ſearched and ſealed, *&c.* upon pain, *&c.* See 4 *Jac. cap.* 6. where the ſearching of Leather made up in *England* is repealed.

If any Tanner ſhall ſell any Leather found by the Tryers not to be well Tanned, he ſhall forfeit as much as is defective.

No Currier ſhall be a Butcher, Tanner, *&c.* on forfeiture of 6 *s.* 8 *d.* for every Skin, *&c.*

Every Currier ſhall curry Leather brought to him eight days in Summer, ſixteen days in Winter, *&c.* in preſence of the Party bringing it, if he deſire it, on pain of 10 *s.* every Hide, *&c.* See the Statute how Cordwinders ſhall make their Shoos or Boots, *&c.* and the Power of the Company of Cordwinders in *London.*

All Majors, &c. (on pain of 40 *l.* to the King and Proſecutor) ſhall chooſe and ſwear two Perſons yearly to view and mark Leather, and to ſeize ſuch as is not well Tanned, *Ibid.*

But ſee 4 *Jac. cap.* 6. The Tryers not executing their Office ſhall forfeit 5 *l.* The Majors not electing ſuch Tryers ſhall forfeit 5 *l.* if any deny any ſearch to be made in their Houſes ſhall forfeit 5 *l.*

None ſhall put away any Leather, or carry it out of the Fair before it be regiſtred.

Forfeited Wares ſhall not be ſold to any that will ſell the ſame again, upon forfeiture of 3 *s.* 4 *d.*

Juſtices, Majors, &c. in Seſſions or Leet ſhall determine theſe Offences.

Cuſtomers, &c. ſhall ſeize Leather to be tranſported, or diſcloſe it within forty days within ſome Court of Record, or forfeit 40 *l.* and for the ſecond Offence his Office.

All Licences to diſpence with any thing in this Statute ſhall be void.

None ſhall Tranſport out of *England*, &c. any Skins or Hides of any Ox, &c. tanned or untanned, any otherwiſe than is directed by 14 *Car.* 2. *cap.* 7.

Every Perſon which ſhall Tranſport any Hides, &c. according to that Statute ſhall be diſabled to trade in Leather and forfeit 50 *l.*

All Red tanned Leather, &c. ſhall be bought only in open Market, on pain to forfeit the Leather or value, and the Contract to be void.

Such Leather ſhall be ſearched, ſealed, and upon Sale regiſtred, &c.

Boots, Shoos and Slippers may be tranſported.

All Juſtices and Majors, &c. both by Land and Water ſhall ſeize all Leather, &c. intended to be tranſported contrary to the Statute.

All Tanners ſhaving, &c. the upper Leather Hides, &c. ſhall forfeit the ſame.

The penalty ſhall be recovered by Debt, &c. in any Court, &c. which ſhall not be removed; a moiety to the King, a moiety to the Informer.

Leather

Leather Hides and Skins may be bought or ſold by weight, 1 *W.* & *M. cap.* 33.

The Acts for Exportation of Leather are revived by 1 *W.* & *M. cap.* 23.

CHAP. LXXXIII.

Lodgers.

IF any Lodgers ſhall take away with an intent to ſteal, imbezel or purloin any Chattel, Bedding or Furniture which by Contract or Agreement, he or they are to uſe with ſuch Lodging, it ſhall be adjudged Larceny and Felony, and the Offender ſhall ſuffer as in caſe of Felony, 3 & 4 *W.* & *M.* 20 *Marcii* 1689. continued to 22 *October* 1691.

CHAP. LXXXIV.

Markets, Fairs, &c.

FAirs or Franchiſes whether they be held by Charter or Preſcription, they muſt be holden ſo no longer time than may be warranted by Grant or Uſage; and the Sheriff ought to make Proclamation, that thoſe that have Fairs keep them no longer than they ought to do, 2 *Ed.* 3. *cap.* 15. And the Lord of the Fair at the beginning thereof ſhall make Proclamation how long the ſame is to continue, on pain to be grievouſly amerced to the King, and if he hold over, the Fair ſhall be ſeized into the Kings Hand till he make Fine for the Offence, and if a Merchant ſell Wares after the time, he ſhall forfeit to the King double the value for what 'tis ſold for, and the Proſecutor ſhall have the fourth part, 15 *Ed.* 3. *cap.* 5.

No Fair or Market ſhall be kept in Church-yards, 13 *Ed.* 1. *cap.* 5.

Againſt buying and ſelling again of Cattle in the ſame Fair, ſee 34 *Ed.* 6. *cap.* 19. ſee *Tit. Cattle.*

Touching Sale of Horſes in Fairs, *&c.* See 22 *Ph.* & *M. cap.* 8. 31 *Eliz. cap.* 12. and *Tit. Horſes*, for Office of the Clerk of the Market, ſee *Tit. Weights.*

Becauſe Juſtices are to judge of Property, and how far 'tis deveſted by Sale in Market Overt, *obſ.*

1. That in *London* every day in the Week except *Sunday* is Market Overt, *&c.* Sale in Shops *bona fide* then and there is good.

2. The Sale in ſuch Shops muſt be of things proper to the Trade, for if Plate be ſold in a Scriveners Shop, *&c.* the Sale is not good.

3. If a Sale be of Plate in the Goldſmiths Shop (where 'tis properly to be ſold) yet it muſt be done publickly, for a Sale behind the Curtain, *&c.* will not alter the property.

4. A Sale in Market Overt, if it be Covinous, or if the Buyer know the Goods to be ſtolen, the property is not altered, 3 *Co. cap.* 78.

5. The King cannot grant to one that his Shop ſhall be a Market, which would alter the property of a Strangers Goods.

6. In a Market where things are ſaleable in diſtinct places, the Goods muſt be ſold in the uſual place aſſigned for ſuch Goods, or the property is not altered, *Moor* 300, 60.

He that pleads a Sale in Market, muſt plead that it was done *in pleno Mercatu, Ibid.*

A Market held without a Patent or Preſcription is illegal, 2 *Saund.* 174.

If I pledge Goods to *J. S.* and he ſell them in Market Overt, this alters no property: But Goods taken by Pyrats is altered by ſale in Market, *Hob.* 79.

CHAP. LXXXV.

Marriages, &c.

UPON the Act of Marriages, Births and Burials *Anno* 6 & 7 *W.* 3. *Regis*, It is provided, That if any Perſon by reaſon of Reſidence ſhall be doubly charged, then upon Certificate made by two or more of the Commiſſioners of the County, Riding, *&c.* and upon Oath made of ſuch Certificate before any Juſtice of the Peace for the County

or

or Place where the said Certificate shall be made (which Oath the Justice of Peace is authorized and required to administer) the Person shall for so much certified be discharged in ever other County or Place;

Also if any Person by removing or fraud shall escape being taxed, and the same be proved before any two of the Commissioners, or before any Justice of the Peace in the County, Riding, City or Place where such Person dwelleth at any time within three months next ensuing such Tax made, such Person shall be doubly taxed, and the value (upon the Commissioners or Justices Certificate into the Exchequer) to be levied of his Goods, Lands and Tenements.

CHAP. LXXXVI.

Mault.

COnstables, &c. of any Town where any deceitful Mault shall be made, or Maulted to be sold contrary to the Statute of 2 *Ed.* 6. *cap.* 10. may view and search such Mault made, or put to sale, within the Town, and if he find any made contrary to this Statute, he may with advice of one Justice, cause the same to be sold at reasonable price, as the Justices shall see expedient, 11 *Jac. cap.* 18. 2 *Car.* 4.

The Justices at the Quarter Sessions may restrain the number of Maulsters, and also such Persons as they shall think fitting, from buying Barley to make Mault.

And if any Person shall disobey the Order touching the same, then and so often such Persons being thereof Convict in Sessions, or before two Justices out of Sessions, by two Witnesses, &c. shall be by the Justices committed to Gaol without Bail for three days, and after till he enter into Recognizance of 40 *l.* before some Justice, to obey such Order, 39 *Eliz. cap.* 16.

CHAP. LXXXVII.

Moss-Troopers.

THE Justices of *Northumberland* may charge their Inhabitants 500 *l.* and those of *Cumberland* the Inhabitants 200 *l. per annum* at their respective General Sessions for securing their Counties against Moss-Troopers.

Justices of *Northumberland* may appoint a Person or Persons to command thirty Men, and those of *Cumberland* twelve Men to search out such Malefactors, and may Issue out their Warrants to the Constables to levy by distress and sale of Goods, and may take security of the Persons they imploy, *&c. Quere*, if this be not discontinued, 13 & 14 *Car.* 2. *cap.* 22.

Quere, If the Justices of these Counties may not cause such notorious Thieves, and Spoil-takers to be transported. See the Statutes of 18 *Car.* 2. *cap.* 3. 29 & 30 *Car.* 2. *cap.* 2.

CHAP. LXXXVIII.

Night-Walkers.

EVery Justice (*ex officio*, and by the first *Assignavimus* in his Commission) may Arrest Night-walkers, if suspected, or of ill Fame, chiefly such as sleep in the day time, and all such as in the Night Season haunt Houses suspected for Bawdery, or use suspitious Company, and may force them to find Sureties for the Good Behaviour, 13 *H.* 7. *cap.* 10.

Any one may Arrest a Night-Walker, *Poph.* 208. *Latch* 173.

A Night-Walker may be indicted before a Justice of Peace, *Benlow* 199. *Poph.* 208.

CHAP.

CHAP. LXXXIX.

Nuſances.

FOR Nuſances in High-ways, See *Tit.* Highways.

If any Perſon ſhall water Hemp or Flax in any River, Water, Stream, *&c.* Where Beaſts be uſually watered, he ſhall forfeit 20 *s.* one Moiety to the King, the other to the Party grieved, or to any one that will ſue for it in any Court of Record.

Tranſporting Leather contrary to 14 *Car.* 2. *cap.* 7. is declared a Common Nuſance.

No Butcher ſhall ſell any Beaſt in any City, Borough, *&c.* upon the pain of 12 *d.* for every Ox, *&c.* of 8 *d.* for every Cow.

If Nuſance be in the High-way every one may abate it, *Jones* 222.

To erect a Gate croſs an High-way is a Nuſance, by three Juſtices, *Ibid.*

Its a Nuſance to ſtop a River with Earth by which the Land is drowned, *Leo.* 222.

A Brew-houſe, Tanhouſe or Gatehouſe may be a Nuſance to a private Houſe, *Palm.* 530.

To erect a Rope-Dancers Stage at *Charing-Croſs* a Nuſance, *Mod. Rep.* 76.

Per Curiam. If one be indicted of a Nuſance the Court will not admit him to a Fine till it be removed, and *Affidavit* made of the Removal thereof, or certified by two Juſtices of Peace.

CHAP. XC.

Oaths.

NO Perſon can adminiſter, or take any Oath, but what is warranted by the Common, or Statute Law, and therefore 'tis that our Statutes do ſo often give power to Juſtices of Peace, to adminiſter Oaths, 2 *Inſt.* 7, 9. 31 *Eliz. cap.* 72.

Any one Juſtice may compel ſuch as are between the age of fifteen and threeſcore to be ſworn to keep the Peace, *Lamb.* 160. 13 *Ed.* 1. *cap.* 6. 34 *Ed.* 1.

If any perſon of the age of eighteen years, not being a Baron, *&c.* ſhall be convicted for not coming to Church, before the Ordinary, *&c.* or if the Miniſter, *&c.* ſhall complain to a Juſtice, and if he find cauſe of ſuſpition ſuch Juſtice ſhall require the Party to take the Oath of Allegiance, and if he refuſes he ſhall be committed without Bail, till the next Seſſions or Aſſizes, where the Oath being again tendred him, if he refuſe again he ſhall incur the penalty of a *Præmunire*, 7 *Jac. cap.* 6. See who, and by whom, the Oaths of Allegiance and Supremacy ſhall be taken, 1 *Eliz. cap.* 1. 5 *Eliz. cap.* 1. 3 *Jac. cap.* 4, 5. And *Tit.* Recuſants.

Two Juſtices, *&c.* may take the Oaths of the Under-ſheriffs and their Officers.

No perſon may maintain the taking of an Oath in any Cauſe whatever if unlawful, nor wilfully refuſe to take an Oath duly tendred, or perſwade others to forbear the taking of an Oath ſo tendred upon the penalty againſt *Quakers*, 13 & 14 *Car.* 2. *cap.* 1.

The next Juſtice may adminiſter an Oath to the Officers preſent at the Trial of a Souldier by Court Marſhal, where the Offence may be puniſhed by death before any Proceeding be had thereupon.

See after in the Preſidents of Oaths.

CHAP. XCI.

Papiſts.

STAT. 1 *W. & M. cap.* 15. For diſarming Papiſts and taking away their Horſes above the value of 5 *l.* to be ſold; and two or more Juſtices may authorize any perſon with a Conſtable, *&c.* to ſearch for and ſeize the Horſes as forfeited to their Majeſties Uſe, of ſuch as refuſe to ſubſcribe the Declaration, *&c.*

Such perſons as conceal or are aſſiſting thereto may be committed to Priſon without Bail for three Months, and forfeit treble value.

1 *W. & M. cap.* 9. and alſo 1 *W. & M. cap.* 17. for removing Papiſts from *London* and *Weſtminſter*, and ten Miles of

of the ſame, *Suſſex* being miſtaken for *Eſſex*. It is enacted, That the Power given to the Juſtices of *Suſſex* ſhall extend to the Juſtices of *Eſſex*.

By the aforeſaid Act of 1 *W. & M. cap.* 15. No Papiſt refuſing to ſubſcribe ſhall keep any Arms, Weapons, Gunpowder or Ammunition (other than ſuch allowed by the Juſtices) and two or more Juſtices by Warrant may impower any perſon in the day-time with a Conſtable, *&c.* to ſearch for ſuch Arms, *&c.* and ſeize the ſame for their Majeſties uſe, and deliver them at the next Seſſions in open Court for the ſaid uſe.

Every perſon, *&c.* who ſhall not within ten days after ſuch refuſal diſcover and deliver his Arms, *&c.* to ſome Juſtice, or ſhall hinder or diſturb any perſon authorized to ſearch for and ſeize the ſame ſhall be committed to Gaol without Bail for three Months, ſhall forfeit the ſaid Arms, *&c.* and pay the treble value thereof to their Majeſties uſe to be appraiſed by the Juſtices, at the next Seſſions. Every perſon who ſhall conceal ſuch Arms, *&c.* or be privy thereto, or ſhall not diſcover the ſame to ſuch Juſtice, or hinder any perſon authorized in ſearching for and ſeizing the ſame ſhall be committed to Gaol, and be liable to the Forfeiture before mentioned. Any perſon diſcovering ſuch concealed Arms, *&c* ſo as they may be ſeized to their Majeſties uſe, the Juſtices upon delivering them may (by Order of Seſſions) allow him the full value of them, to be aſſeſſed by the Juſtices at their Seſſions, and levyed by Diſtreſs and Sale of Goods, rendring the Overplus.

Provided, That if the Perſon refuſing ſhall ſubmit and conform, and in open Court ſhall ſubſcribe the ſaid Declaration he ſhall be diſcharged from the Penalties above mentioned, 1 *Gul. & Mar. cap.* 15.

CHAP. XCII.

Partridges.

IF any Man ſhall take Pheaſants, Partridges, *&c.* upon the Free-hold of any other without Licence, he ſhall forfeit 10 *l.* one Moiety to the Proſecutor, the other to the Owner of the Lands. And the Juſtices have power to determine, *&c.* by Inquiſition or Information.

Every

Every Juſtice may examine Offenders for deſtroying Partridges in the Night time, and for Hawking or Hunting in eared Corn, and bind the Offenders with Sureties at the next general Seſſions. The Forfeiture for a Pheaſant is 20 *s.* for a Partridge, 10 *s.* &c. 33 *Eliz. cap.* 10. See now, 1 *Jac. cap.* 27. 7 *Jac. cap.* 11.

That Offences of deſtroying Partridges, *&c.* is generally referred to two Juſtices.

By the Statute of 1 *Jac. cap.* 27. Every Perſon which ſhall ſhoot at any Partridge, *&c.* or kill any Partridge, with Setting Dogs or Nets, *&c.* or break the Neſt of any Partridge, or keep any Setting Dog or Net except he have Lands of Inheritance of the clear value of 10 *l. per annum*, or 30 *l. per annum* for Life, or Goods worth 200 *l.* or Son of a Knight, ſhall upon proof thereof by two Witneſſes, *&c.* before two Juſtices, *&c.* be committed without Bail for three Months, or pay immediately to the Churchwardens, 20 *s.* for every Fowl, *&c.* and 40 *s.* for every Grey-hound, or Setting Dog, *&c.* 1 *Jac. cap.* 27. 2 *Jac. cap.* 28. 3 *Car. cap.* 4. One Month after Commitment he may be bound with two Sureties by two Juſtices, *&c.* this relates not to the whole Statutes.

If any Man ſell, or buy to ſell again, any Deer, Partridges, *&c.* he ſhall forfeit for every Partridge 10 *s.* *&c.* to the Poor and the Proſecutor, 1 *Jac. cap.* 27. and it ſeems two Juſtices may puniſh by this Statute.

Every Perſon which ſhall hawk at or kill any Partridge, *&c.* between the firſt of *July* and the laſt of *Auguſt*, the ſame being proved by two Witneſſes, *&c.* before two Juſtices, ſhall by them be committed for one Month without Bail, or pay, *&c.* But the Complaint muſt be made within ſix Months.

See *Tit. Hunting.*

CHAP. XCIII.

Paſture.

EVery perſon uſually keeping twelve hundred ſhear Sheep on his ſeveral Paſtures, fit for Milch, ſhall for every ſixty Sheep keep a Milch Cow, and for every ſixty Sheep rear one Calf, or forfeit 20 *s.*

Every

Every perſon who ſhall keep upon his Paſture above twenty Oxen, Runts, *&c.* ſhall for every ten Oxen, *&c.* keep one Milch Cow, and breed and wain yearly, and keep one Calf for every two Milch Cows, on the pains aforeſaid, to be recovered before the Juſtices or in the Kings Courts by Bill, *&c.* 2 *&* 3 *Ph. & M.* 3. 13 *Eliz. cap.* 25. 7 *Jac. cap.* 8.

CHAP. CXIV.

Peace.

EVery Juſtice (by the power of the firſt *Aſſignavimus* in the Commiſſion) hath as well the ancient authority of the Conſervators of the Peace, as alſo all ſuch as by any Statute is given ſince, to keep and cauſe to be kept his Majeſty's Peace.

Juſtices muſt arreſt and ſend to the Gaol Murderers, Felons, *&c.* and all Perſons ſuſpected thereof.

They muſt alſo ſuppreſs and bind to the Peace and Good Behaviour all Affrayors, and perſons riotouſly aſſembled, wearing Armor, putting the People in fear, or Night-walkers, *&c.*

If any Affray and forceable Entry, *&c.* be committed in the view of a Juſtice he muſt record it, and commit the Offender, if it be not in his preſence; yet he may bind the Parties with Sureties to the Good Behaviour, or for want thereof commit them, and not otherwiſe, *Cro. Car.* 41.

If a Juſtice certifie to the Kings-Bench, that *J. S.* hath broken the Peace in his preſence, the party may not traverſe it, but ſhall be there fined, *Cromp.* 13. See *Tit.* Breach of the Peace.

Surety of the Peace is the acknowledging of a Recognizance to the King before a Judge of Record for the keeping of the Peace. *Sureties of the Peace.*

A Juſtice may take this Surety two ways. 1. As a Miniſter as upon a *Supplicavit*, &c. 2. As a Judge by virtue of his Commiſſion, and that either at his own motion, or at the requeſt of another.

He may of his own motion in the anſwering Caſes, and that againſt all the Kings Subjects, if he think fit. 1. Where Aſſault is made upon the Juſtice himſelf. 2. When an Aſſault is made upon another in his preſence. 3. If one in his preſence threaten another, *&c.* 4. For Contention in hot Words in his preſence. 5. If one in his preſence go armed

armed offenſively, or with an unuſual number of Servants, *&c.* or Servants or Labourers bearing Weapons, againſt the Statute of 12 *R.* 2. 6. He may bind any Perſon by him ſuſpected to be inclined to break the Peace. 7. A Perſon brought before him by a Conſtable who had made an Affray, *&c.* in his preſence. 8. A Perſon that goes about to break the Peace in the Conſtables preſence, or aſſaults him, may be carried by the Conſtable before the Juſtice who may bind, *&c.* 9. He may (by his diſcretion) convene before him a Perſon who had broke the Peace (though not in his preſence) and command Sureties of him. 10. A Perſon going or riding with offenſive Arms may be arreſted by a Conſtable, and by him be brought before a Juſtice who may do as aboveſaid. 11. He may (upon his diſcretion) bind to the Peace a Common Barretor. 12. So of Riotors. 13. If a Perſon bound break the Peace, the Juſtice ought to bind him anew. But it ſeems not until after Conviction upon the Recognizance. 14. Any Juſtice may (for the inſufficiencies of the Sureties) compel one bound to the Peace to find better.

A Juſtice granting the Peace at the requeſt of another muſt take an Oath of the Party ſo demanding that he is in bodily fear, *&c.*

One fearing that another will burn his Houſe, may demand the Peace of him, but not he that is threatned to be impriſoned, or to have his Goods burnt.

It ſeems likewiſe the Peace ſhall not be granted for the Maſters fear, that another will hurt his Servant, *&c.* or for that he is at Suit or variance with his Neighbour.

If the perſon be dangerous, the Juſtice may require 1000 *l.* Bond for the Peace, *Styl.* 322.

A Juſtice may take Mony to lie *in depoſito* for Security of the Peace, and the Mony to be forfeited to the King, if the party break the Peace, 1 *Cro.* 446.

If he which is bound to the Peace break his Recognizance, he may be indicted for it, for it is a new Offence, *Styl.* 369.

Bound to the Peace upon Malice or Vexation may be diſcharged by the Kings-Bench, *Stil.* 364.

Note, That the fear of ſome preſent danger ought to be the cauſe of granting the Peace, and not any Battery, Treſpaſs, or breach of the Peace done before, yet the Juſtice, if he ſee Cauſe, may bind over the Affrayer.

The Good Behaviour is granted by the Juſtice as well by virtue of his Commiſſion, as by force of the Statute, 3 *&* 4 *Ed.* 3. *cap.* 1.

The

The Good Behaviour may be broken. 1. By an extraordinary Company of Attendance. 2. By wearing of Harneſs or other Weapons more than uſually he had done, or more than meet for his Degree. 3. By uſing of threatning Words, tending to the breach of the Peace. 4. Or by doing any other thing that may be the Occaſion of breaking of the Peace, or by putting the People in any dread or fear, although there be no actual breach of the Peace; as theſe four Matters are breaches of the Good Behaviour, ſo are they Cauſes to bind over to the Peace, and are likewiſe Breaches of the Peace. *Sureties for the Good Behaviour.*

The Good Behaviour is granted at the Suit of divers, and thoſe being Men of Credit, and provides for the ſafety of many. The Peace being uſually granted at the requeſt of one, and for the preſervation of the Peace chiefly towards one.

It is commonly granted in open Seſſions, and by two or three Juſtices out of Seſſions, yet one Juſtice may bind to the Good Behaviour either by his own diſcretion or at the requeſt of others; The Good Behaviour may be taken by a Juſtice by virtue of a ſpecial Writ in the nature of a *Supplicavit* directed out of the *Chancery* or *Kings-Bench*, and the ſame Proceeding in this as in Caſe of Peace.

Neither a *Supplicavit* or Warrant is grantable againſt a Peer of the Realm, but if there be cauſe, the Party may have a *Subpœna* out of *Chancery*, and the Lord may be bound there, *Cromp.* 134. and *Dyer* 315. ſeems to agree that if he make default upon the *Subpœna*, no Attachment can be awarded him; But other Opinions there are as *Fitz. Tit. Subpœna* 20. *F. N. B.* 79. *Cromp. ut ſupra*, that a *Supplicavit* may iſſue out of *Chancery* (upon prayer of the Peace there) againſt a Peer directed to the Sheriff who may take Sureties. *For and againſt whom this Surety is to be granted.*

A Dutcheſs, Counteſs, *&c.* hath the ſame priviledge; but if Noble by Marriage, and marry one under the degree of Nobility, ſhe loſeth her Priviledge; otherwiſe of a Woman that is Noble by Birth.

The Seſſions being a Court may demand Sureties of the Peace or Good Behaviour againſt one ſingle Juſtice; ſo out of Seſſions one Juſtice may againſt another.

Eccleſiaſtical Perſons may be arreſted for the Peace, if they be not celebrating of Divine Service, and if ſo they cannot, 50 *E.* 3. *cap.* 5. *Vid. Stat.* 1 *R.* 2. *cap.* 15. 1 *Mar. cap.* 3.

Sheriffs, Coroners, *&c.* may be bound to the Peace.

A Juſtice upon demand may grant the Surety againſt his own Wife.

The

The Peace againſt one living in the *Cinque Ports* muſt be by Writ out of *Chancery* directed to the Conſtables of *Dover*, and the Wardens of the *Cinque Ports*.

The Wife may demand the Surety againſt her Husband, ſo may the Husband againſt the Wife; but it was otherwiſe reſolved, *Trin.* 9 *Car. B. R.*

The Peace may be granted to an Infant under the Age of fourteen years, *Lamb.* 81.

It may be granted againſt a Feme Covert, and an Infant under fourteen years, and they are to be bound by Sureties only and not by themſelves.

It is not grantable either to or againſt a Man of *Non ſanæ Memoriæ*, but otherwiſe of a Lunatick.

It ſhall not be granted to one that is Deaf, Dumb or Blind, or which is Deaf and Dumb, though he hath his ſight, *Stamf. de Prærog.* 33, 34. One Deaf and Dumb or Blind and Deaf, by accident (it being poſſible he may have underſtanding) ſhall have the Peace granted to or againſt him.

It may be granted likewiſe againſt him that is impotent, though of himſelf he be not able to break the Peace, ſo alſo againſt one attainted of Treaſon, or Felony, or convicted of Hereſie.

It may be granted, either to or againſt a Perſon excommunicated, or which hath abjured the Realm, a Deniſon, Alien, Lord and Villain; one againſt another, but otherwiſe of an Alien Enemy.

Good Behaviour where grantable.

The Good Behaviour is to be granted againſt common Barretors, common Quarrellers, common Breakers of the Peace, Riotors, ſuch as lie in wait to rob, or attempt or are ſuſpected ſo to do, or are like to commit Murder, *&c.* ſuch as practiſe to poiſon others, ſuch as outragiouſly misbehave themſelves in the preſence of a Juſtice, as frequent Houſes ſuſpected to maintain Incontinency, and alſo againſt the Maintainers of ſuch Houſes, common Whore-mongers and Whores, Night-walkers, ſuſpected to be Pilferers, perſons of evil Behaviour, or Fame, Eves-droppers, ſuch as caſt open Gates in the Night, ſuch as fare well and live idly and have nothing of their own to live upon, common Gamſters, Haunters of Taverns or Alehouſes, common Drunkards convict according to the Statute, 4 *Jac. cap.* 4. Such as go on the Meſſages of Thieves, ſuch as raiſe Huy and Cry without Cauſe, Cheaters, Couſeners, Libellers, deputative Father of a Baſtard Child.

If a Juſtice ſee one break the Peace, and charging him to keep the Peace, he ſhall anſwer that he will not, the Juſtice may bind him to the Good Behaviour.

To

To ſpeak unſeaſonable Words of a Magiſtrate when he is not excuting his Office, as to call a Major Fool, is not cauſe of the Good Behaviour, *Moors Rep.* 247.

If a Citizen or a Freeman of a Town Corporate ſhall uſe Words of Contempt againſt the chief Officer of the ſame or againſt his Brethren, this is good cauſe to require the Good Behaviour of him.

Such as abuſe Juſtices Warrants ſhall be bound *&c.* ſo it is of ſuch as charge others of Felony before a Juſtice, and will not give Evidence.

Whatſoever in it ſelf is a Misbehaviour, is ſufficient cauſe to bind the Offender, *&c.*

The Offenders hereafter named ſhall find Sureties for the good abearing, by the expreſs words of ſeveral Statutes.

Diſturbers of Preachers, 1 *Mar. cap.* 3. deſtroyers of Fiſh-ponds or Stealers of Fiſh after lawful Conviction, 5 *Eliz. cap.* 21. Takers of Hawks, or Hawks Eggs out of other Mens Grounds after Conviction, unlawful Stealers, Hunters, Killers of Deer or Conies in the Parks or Warrens of other Men after Conviction, 5 *Eliz. cap.* 21.

Note, All theſe Offenders muſt be bound at the Seſſions.

Popiſh Recuſants abſenting themſelves from Church for a twelve Month, 23 *Eliz. cap.* 1.

A perſon attainted of Felony and pardoned ſhall find, &c. within three Months, before the Sheriff or Coroner, who ſhall certifie the ſame into *Chancery*, 10 *Ed.* 3. *cap.* 3.

Such as ſhall diſturb the Execution of the Statute of 39 *Eliz. cap.* 4. Concerning Rogues, any two Juſtices may bind, *&c.*

The Mother of a Baſtard Child (that may be chargeable to the Pariſh) for the ſecond Offence ſhall be committed, *&c.* till ſhe find Sureties, *&c.*

Such as are infected with the Plague and being commanded to keep their Houſes, *&c.* diſobey the ſame, *&c.* ſhall be bound, *&c.*

If any perſon bound to the Good Behaviour, for offending againſt the Statutes before mentioned, ſhall afterward offend againſt the ſame, this ſhall be a Forfeiture of his Recognizance.

It is a breach of the Good Behaviour to be drunken; and ſo Sir *Nicholas Hide* delivered it in his Charge at the Aſſizes.

To call a Man quarrelſom Fellow and ſcurvy Knave, was adjudged no Breach of the Good Behaviour. Otherwiſe it is, if the Words be ſpoken to an Officer in the Execution of his Office. *What ſhall be accounted no breach of the Peace.*

To ſay of a Merchant that he is a Bankrupt, is no breach, *&c.*

To ſay of a Major playing at Tables that he is a Fool, is no cauſe of Impriſonment, but if he be in Execution of his Office it is otherwiſe, 2 *Rolls Rep. f.* 200. If a Man be convicted upon an Indictment of Treſpaſs, *quod vi & armis clauſum fregit, & averia cepit & abduxit & adhuc detinet*, this no Breach of, *&c.*

To ſay of another he is a Pelter, Lyer, Drunkard, *&c.* is no breach of, *&c.* for they are not Words which menace Battery, or import an intention to do violence to any one, as to ſay, *I will meet with thee*, or the like.

If a Man be bound to the Good Behaviour and to appear at the next Aſſizes, yet he may remove the Recognizance by *Certiorari* into the *Chancery*, or the *Kings-Bench* before the day, and then he need not appear at the Aſſize, for the Judges having no Record before them there, cannot call him.

How it may be commanded and executed.

It may be commanded either by Word or Writing: By Word where the Cauſe of the Peace doth ariſe in the preſence or hearing of the Juſtice, and though in his abſence, yet if the party offending be in his preſence, when upon Oath it is demanded againſt him.

The Juſtice by Word may command him to find Sureties, and may alſo by Word command a Conſtable or other known Officer (or his own Servant) being then preſent to arreſt him, and upon default of Sureties commit him, *&c.* but otherwiſe if the perſon againſt whom, and he then abſent.

Note, Every Juſtices Warrant muſt be in Writing, and under his Seal, muſt likewiſe contain the Cauſe, and at whoſe Suit, it may be to bring the Party only before that Juſtice which made it. But 21 *H.* 7. *cap.* 22. *Fineux* was of Opinion, that where a Juſtice makes a Warrant *ex officio* (not by *Supplicavit*) that it is at the parties Election to appear before him or any other Juſtice, and that if otherwiſe compelled may have an Action, *&c.* againſt the Officer.

The Conſtables ought firſt to acquaint the Party with the Matter, and charge him in the Kings Name, to go before the Juſtice, and if he refuſe either to go or to find Sureties, may arreſt him, and carry him to the Gaol without bringing him before any Juſtice, and then ſuch Officer ought to be at the next Seſſions there to deliver in his Warrant, and to certifie all he did thereupon: If there be no ſuch refuſal; the Officer cannot alſo barely arreſt him, but is not bound to go with him to find Sureties, but may detain him until he procure them, and upon offer of Reſiſtance

ſiſtance or departure be carried to the Gaol, or impriſoned in the Stocks until farther aid be provided, *&c.* to convey him to, *&c.*

The Juſtice is not bound to demand Sureties, but being brought before him, if he hath no Sureties ready, or upon refuſal may be carried to the Gaol by the Officer, without any new Warrant or Command.

If the Officer arreſt the party and bring him not before a Juſtice, or upon refuſal, *&c.* to the Gaol, he may be puniſhed by Indictment for his neglect, and at the Parties Suit for falſe Impriſonment.

A Man for default of Sureties may be delivered by the Juſtices Warrant upon the death or Releaſe of the party that required the Peace againſt him upon a general Warrant; it is at the Election of the Officer, to carry him before any Juſtice he pleaſe, 5 *Co.* 39.

If another Juſtice than he that granted the Warrant accept Sureties, *&c.* muſt upon requeſt make a *Superſedeas*, but this doth not diſcharge the firſt Warrant until the party be bound indeed.

A perſon ſuſpecting that the Peace is, or will be demanded againſt him, may go to a Juſtice and there voluntarily give Sureties and procure a *Superſedeas*, *&c.*

An Officer having a Warrant to arreſt, *&c.* upon a *Superſedeas* (which is good though it contains neither the Sureties Name or the Sum) delivered to him may neither arreſt or detain the Party, and if he does 'tis falſe Impriſonment.

Upon Receipt of a *Superſedeas* from the *Kings-Bench* or *Chancery* the Juſtice may ſuperſede his own Warrant againſt the Party.

Note, A *Superſedeas* may be procured out of *Chancery*, in the Vacation, and for not obeying it, (though awarded againſt him) an Attachment may iſſue againſt the Juſtice, and notwithſtanding ſuch a *Superſedeas* the Juſtice ought to certifie the Recognizances (if he hath taken any) to the next Seſſions.

Every *Superſedeas* out of *Chancery* or *Kings-Bench* is void unleſs granted upon motion in open Court, and the ſufficiency of the Sureties muſt appear upon Oath to be aſſeſſed at 5 *l.* Lands in the Subſidie Book at leaſt, it muſt likewiſe appear that the Peace is demanded, *bona fide*, 21 *Jac. cap.* 8.

CHAP. XCV.

Petition.

NO Perſon ſhall ſollicite, *&c.* the getting of Hands of more than twenty perſons to any Petition, *&c.* to his Majeſty, or to both or either of the Houſes of Parliament for the alteration of Matters eſtabliſhed in Church or State, unleſs with the conſent of at leaſt three Juſtices of the County, or the major part of the Grand Jury at the Aſſizes, *&c.* where Matters ariſe, *&c.* or if in *London* by the Mayor, Aldermen and Common Council. Nor ſhall any repair to his Majeſty with more than ten perſons to preſent any Petition, *&c.* This Offence is preſentable at the Seſſions or Aſſizes within ſix Months, muſt be proved by two Witneſſes, and ſhall thereupon be puniſhed by Fine not exceeding 100 *l.* and three Months Impriſoment without Bail, 13 *Car. cap.* 1.

By the Statute of 1 *W. & M. cap.* 2. It is declared, That it is the Right of the Subjects to petition the King, and all Commitments and Proſecutions for ſuch petitioning are illegal.

CHAP. XCVI.

Plague.

Going abroad. IF any perſon infected or dwelling in an Houſe infected with the Plague being by a Juſtice or Head-Officer, *&c.* (commanded to keep home) ſhall yet wilfully go abroad having an infectious Sore, 'tis Felony; if no Sore yet ſhall be puniſhed as a Vagabond, and bound to the Good Behaviour for one year, 1 *Jac. cap.* 31. 21 *Jac. cap.* 28.

Juſtices and Head-Officers, *&c.* ſhall appoint Searchers, Watchmen, Keepers and Buryers in places infected, give them directions, and adminiſter an Oath to them for performance of their Office, *Crompt.* 122.

If any perſon infected, *&c.* ſhall attempt to go abroad, ſuch Watchmen may enforce them to keep their Houſes, *Ibid.*

Two Juſtices or Head-Officers may tax every Inhabitant, &c. for the Relief of infected perſons in the ſame place, and

and by Warrant of two Juſtices, &c. may levy the ſame by Diſtreſs, and for default thereof, &c. by like Warrant may commit ſuch perſons to the Gaol till he ſatisfie the Taxation.

If the Inhabitants of ſuch place, &c. are able to relieve their infected perſons, &c. upon Certificate thereof by the Head Officer and Juſtices, &c. any two Juſtices near the place may tax the Inhabitants within five Miles thereof for the Relief aforeſaid.

If any infected ſhall be in any Borrough, &c. where there are no Juſtices, or in any Hamlet, then any two Juſtices of the County may tax the Inhabitants of that County, and within five Miles of the place, to be levied as aforeſaid, &c. and all ſuch Sums ſhall be diſtributed by Juſtices or Head Officers and Juſtices.

All ſuch Taxes ſhall be certified at the next Quarter Seſſions, in ſuch City or County, &c. Univerſities, Cathedral Churches, and the Colleges of *Eaton* and *Winchester* are excepted out of this Act, See 3 *Car.* 1. *cap.* 4. 17 *Car.* 1. *cap.* 4.

CHAP. XCVII.

Poor.

BY Poor we underſtand only ſuch as are old, decrepid Widows, Fatherleſs or others driven to Poverty, not by Riot, but by miſchance; Rogues, Vagabonds, &c. being excluded.

Overſeers. The Church-wardens, or at leaſt two Juſtices, *Quorum unus*, &c. ſhall yearly within one Month after *Eaſter*, under Hands and Seals, appoint four, or three, or two able Houſekeepers to be Overſeers of the Poor.

Large Pariſhes. All Poor in every Townſhip in the County of *Lancaſhire* (and other Counties, &c. where by reaſon of the largeneſs of Pariſhes, they cannot reap the benefit of 43 *Eliz. cap.* 2.) ſhall be maintained, &c. in their reſpective Townſhip, &c. in which there ſhall be choſen yearly two or more Overſeers, who ſhall do and forfeit as in 43 *Eliz. cap.* 2. 14 *Car.* 2. *cap.* 12.

The Juſtices of the County ſhall do and execute in ſuch Townſhips, &c. as is directed by 49 *Eliz. Ibid.*

This Statute extends to ſuch large Pariſhes, in any County.

The Church-wardens and Overſeers (or the bigger number of them) by conſent of two Juſtices, ſhall take order for ſetting the Poor on work, binding out Apprentices.

Apprentices. 1. To ſet to work the Children of ſuch Parents as ſhall not be thought able by the Overſeers to maintain them, as alſo to bind Apprentices the Male Children till they be 24 years old, Women Children till the Age of 21 years, or time of Marriage; all ſuch Children being 7 years old may be bound, but it muſt be by Indenture. See 1 *Jac. cap.* 25. 21 *Jac. cap.* 28. 3 *Car. cap.* 4. and *Tit. Labourers.* And note, One Juſtice may bind an Apprentice.

Work. 2. To ſet to work all ſuch Perſons as having no maintenance, do not uſe ſome ordinary Trade to get their Living. Such alſo as can get no work, are to be ſet on work by the Overſeers, which if they refuſe to do, they may be ſent by one Juſtice to the Houſe of Correction, 43 *Eliz. cap.* 2. Church-wardens by conſent of two Juſtices, *Quorum unus*, or by one Juſtice, if there be no more within the Diviſion, may ſet up and occupy any Trade, &c. for the ſetting on work the Poor of their Pariſh, &c. 3 *Jac. cap.* 4.

Relief. 3. To relieve the Poor; and to this purpoſe the Overſeers are enabled to raiſe by Taxation of every Inhabitant, Parſon, Vicar, &c. and of every Occupier of Lands, &c. or ſaleable Under-woods (proportioning them to an annual value, &c.) in the ſame Pariſh a competent Sum for Relief of the Poor, and to provide a convenient Stock to ſet them on work, and to bind Apprentices.

Goods. 1. Toll of Markets is taxable, as hath been adjudged in the *Kings Bench.*

It ſeemeth that Perſons may be rated not only for their Lands, &c. but alſo for their Eſtate of Goods known, and herein the charge of the Family is in ſome meaſure to be regarded; but report or ſuſpition only, is not ſufficient grounds to tax for Goods.

Aſſeſſment for the Poor ought to be made according to the viſible Eſtate of the Inhabitants there (both real and perſonal) but not for any Eſtate they have elſewhere, and the Occupiers of the Lands, and not the Landlords are to be taxed, *Jenk.* 327. *pl.* 40.

Touching Taxations take theſe Rules. 1. The Poors Tax ought to be charged upon the Tenant or Occupier. 2. No Perſon ſhall be taxed for any Eſtate lying out of the Pariſh, for which the Rate is made.

If there be within a Pariſh a Village that hath had a Church, and Parochial Rites, and that within the ſame Church-wardens and Overſeers have been choſen; and a

ſeparate

ſeparate Taxation made for the relief of the Poor ever ſince, 43 *Eliz. cap.* 2. This is a compleat Pariſh in matters of the Poor.

Children above the Age of fifteen are not to be bound Apprentices, but to be forced to work, or go to Service, and upon refuſal to be ſent the Houſe of Correction, 7 *Jac. cap.* 3.

All ſingle Perſons under the age of thirty, being warned by two Juſtices by a day to put themſelves into a Service, if they do not accordingly, having no means to maintain them, are to be ſent to the Houſe of Correction.

Clergy-men are chargeable to the Contribution of putting out Apprentices, and if they refuſe to pay, it ſeems the ſame may be levied by diſtreſs, upon the Warrant of two Juſtices as in caſes of other Perſons.

It has been held, till of late that the Juſtices may compel ſuch as be of Ability to take Apprentices, ſuch poor Children as the Church-wardens and Overſeers by the conſent of the ſaid Juſtices ſhall think fit to bind with them, and the Practice hath been accordingly, but this Opinion hath been lately over-ruled in the caſe between the *King* and *Pyne*, by the conſent of all the Judges of *England*, by which it is ruled that poor Children ſhall be bound out with the Pariſh Stock to ſuch fitting Perſons, and for ſuch Sums of Mony as the Church-wardens and Overſeers can bargain for; by which means every Pariſhioner ſhall pay his equal proportion.

Note, If a Maſter ſhall put his Apprentice into Apparel that is a Gift in Law, which he cannot take away, though he part with his Apprentice, *Br. Tranſ.* 93.

Two Juſtices ſhall take an Account of Church-wardens and Overſeers till the end of the year, *viz.* An Account. 1. Of all Monies by them received, or rated and not received. 2. Of ſuch Stock or Ware, *&c.* as they or any of the Poor, have in their Hands. 3. What Apprentices they have bound out. 4. What Poor they have ſet at Work and relieved. 5. Whether they have ſuffered the Poor to beg without their direction, See 39 *Eliz. cap.* 3, 4. 6. Whether they have met monthly about theſe Matters. 7. Whether they have aſſeſſed all ſuch as are of ability, *&c.* and with indifferency. 8. Whether they have endeavoured to levy and gather ſuch Aſſeſſments. 9. Whether they have been negligent any other ways in their Office, as in relieving the impotent, executing Warrants, for levying any Forfeitures, *&c.* See 7 *Jac. cap.* 33. How Monies given *Overſeers accounts.*

to bind Apprentices ſhall be imployed where the Perſons intruſted ſhall once a year at *Eaſter*, or within a month give an account of all Monies ſo imployed, and of Securities taken before two or three Juſtices next adjoyning, &c.

If the Church-wardens or Overſeers ſhall refuſe to yield ſuch account, two Juſtices may commit them without Bail till they make it; if they make a falſe Account they may be indicted at the Seſſions.

If they refuſe to pay, and deliver over ſuch Arrearages and Stocks as ſhall be in their Hands at the end of the year, to the new Church-wardens, &c. Two Juſtices may grant their Warrants to levy the ſame upon them by diſtreſs, and in default thereof, they muſt be committed without Bail till they make payment; The Law is the ſame if any ſuch Stock be in the Hands of any poor Perſon, and he refuſe to deliver it.

If Perſons aſſeſſed die before the Monies be collected, then a Rate ought to be made.

Church-wardens, &c. for other Negligences in their Office, as in Execution of the Orders aforeſaid ſhall forfeit 20 *s.* for every Fault, to be proved by two Witneſſes, &c. *ut ſupra*, and to be levied upon them by the new Overſeers, &c. by Warrant of two Juſtices, and for want of diſtreſs, by the like Warrant they ſhall be committed without Bail till payment; but for other Negligence the Forfeitures of the Overſeers ſhall be levied by the Conſtables by the like Warrant.

Levying of Taxes. If any Perſon ſhall refuſe to pay his proportion to the Poors Rate, it ſhall be levied in like manner by Warrant of the Juſtice to the Church-wardens, &c. and in defect of diſtreſs, *ut ſupra*.

Pariſh not able. If any Pariſh be not able to relieve their Poor, two Juſtices may aſſeſs any other Perſons within the Hundred to pay ſuch proportion to that Pariſh as they ſhall think fit.

Charging Pariſhes. If a Pariſhioner without conſent bring a poor Perſon into the Pariſh which becomes chargeable, he may be raiſed in the Rate.

Appeal. If any Perſon be aggrieved by the Taxation of the Overſeers or Juſtices, he may be relieved at the Quarter Seſſions; where there are Juſtices in Towns Corporate, the Juſtices of the Shire are not to intermeddle.

Pariſhes in two Liberties. If a Pariſh be one part in ſuch a Franchiſe the other in the Country, or lying in two Counties, the Juſtices ſhall meddle only within their own Limits, but the Overſeers muſt execute their Office without dividing.

A Father and Grand-father, Mother and Grand-mother, Children and Grand-children of impotent Perſons ſhall pay ſuch Contribution to their relief as ſhall be aſſeſſed in Quarter Seſſions, where ſuch Contributors ſhall live, on forfeiture of 20 *s.* for every month that they ſhall diſobey, to be levied, &c. *ut ſupra.*

The Huſband of the Grand-mother is a Grand-father within this Statute, if his Wife were of Ability at the time of their Marriage; Or if an Eſtate after the Marriage deſcend to the Grand-mother; and the Seſſions muſt order what he ſhall contribute towards the Charge, *Stile* 283. otherwiſe perhaps it is, if ſhe enrich her Husband by her own induſtry; the ſame Law for a Father-in-Law. *Note*, Theſe directions in this matter.

If the Parents can work they ought to maintain their Children. *Parents able.*

The Fatherleſs Children are to be ſet at work and maintained where their Parents died, and not to be ſent to the place of their Births, for if their Parents were not Vagabonds, &c. the Children ſhall not be accounted ſo, unleſs they wander to beg, as was held by *Flem. Anno* 11 *Jac.*

If any (not being a Rogue) Travel with their Children and die upon the Road, ſuch place is not bound but in Charity, either to keep or ſend away ſuch Children, becauſe they are not wandring Beggars. A Travelling Woman having a ſucking Child, was apprehended for Felony, and after hanged. The Child muſt be ſent to the place of its Birth, if it be known, or elſe kept where the Mother was apprehended, ſo ruled by Sir *Nicholas Hide*, 3 *Car.*

None may be ſuffered to beg by the High-way, or at any Mans Door, though in his own Pariſh, without leave of the Overſeers.

To beg Meat and Drink for neceſſity in paſſing between one Town and another is not begging to make one a Beggar within the Statute, and ſuch ſhall only be ſent where born, or laſt legally ſetled, and not to the Common Gaol as a Common Beggar, *Stile* 168.

A Pedler carrying Wares to ſell in private Houſes (though in the ſame County) is a Vagrant, and puniſhable, *Jenkins* 316. *pl.* 16.

No Perſon whoſe Eſtate in his Houſe is expired, or Servant when his Service is ended ſhall be put out of the Pariſh, but ſhall work there if able, ſhall be relieved there if

if impotent; but if ſuch Perſon ſhall wander thence, he may be ſent to the place of his Birth as a Vagabond.

It was delivered by Sir *Francis Harvey*, that the Juſtices (at leaſt out of Seſſions) were not to meddle with the removing or ſetling of any Poor, but of Rogues only.

If a Man hires a Houſe in *A.* where he ſettles with his Family, and after binds himſelf a Servant in *B.* his Wife and Children are not to be ſent to *B.* being ſetled before, otherwiſe it had been if he had not hired them an Houſe.

If a Perſon be put out of a Pariſh which ought to have notice, this is finable as it ſeems by the Statute, 39 *Eliz. cap.* 4. and ſhall be levied by diſtreſs upon the Warrant of two Juſtices, upon the Teſtimony of two Witneſſes, or upon Confeſſion.

The Reſolutions of Judges of Aſſiſes touching ſome Matter relating to the Poor, 1633.

If the Parents of Poor Children ordered by the Overſeers, &c. to be bound Apprentices, ſhall refuſe to permit the ſame, or being bound ſhall intice them away (they themſelves not being able to maintain them) ſuch Parents ſhall be ſent to the Houſe of Correction.

A Perſon not enabled by the Statute of 5 *Eliz. cap.* 4. to live out of Service, and which being duly warned to put him or her ſelf into Service ſhall refuſe ſo to do, may be bound over to the next Seſſions or Aſſiſes, and to be of the Good Behaviour in the mean time, or be ſent to the Houſe of Correction.

The Tax for the Relief of the Poor by the Authority of the Statute of 43 *Eliz. cap.* 2. ſhall be in the firſt place equally aſſeſſed upon all Lands in the Pariſh; but there may be an additional Proviſion made out of the Perſonal viſible Eſtates of the Pariſhioners within the Pariſh, according to diſcretion, and the Seſſions, &c. may Judge thereof.

Petty-Conſtable, Tything-men, &c. are to be reimburſed of ſuch Charges as they have been at in conveying Rogues and Vagabonds from Pariſh to Pariſh, by ſuch way of Aſſeſsment as hath been uſual in the Pariſh.

If a Woman Servant be with Child during the time of her Service, a Juſtice upon complaint of the Maſter may diſcharge her, and the Pariſh where ſhe ſerves muſt provide for her as in other caſes of caſual impotency.

If a Woman be delivered of a Baſtard-Child and then goeth into another Pariſh, the Child muſt be placed with the

the Mother so long as 'tis within the quality of a Nurse-Child, and afterwards shall be sent to the place of its Birth to be provided for, (the Mother or reputed Father not being of Ability) and the Parish where it was born shall not contribute to the Charge, whilst the Mother lives, and the Child be under seven years old.

If a Man and his Family be illegally thrust out of a Parish during which time he hath a Child born, he must be returned to the place where he was last lawfully setled, and the Child with him to be maintained there.

Servants and Apprentices becoming impotent, are to be maintained by the Parish where they served for a month at least.

A Nurse-Child, a Scholar at School, or in the University, a Person in Gaol are not to be esteemed otherwise than as Travellers, and if impotent, ought to be maintained where their Parents are setled; and Children born in Common Gaols, their Parents being Poor are to be maintained at the charge of the County.

Parsons, &c. shall bear their proportion to the Poors Rate, according to the value of their Parsonages.

The Persons which are to be maintained by a Publick Charge must be such as are become Poor, either,

1. By Impotency or Defect, as Aged Persons, Infants, Persons naturally disabled, as Idiots, &c. or Persons visited with Sickness. *What Poor ought to be maintain'd*

2. By casualty, *viz.* Maimed Persons, Housholders decayed by Fire, Robbery, Suretiship, &c.

Poor not relievable.

Persons Riotous, dissolute, slothful or Vagabonds, are to be sent to the House of Correction, where they shall be set to work, and by their own Labours, but if at any time they become impotent, from thence forward they may be relieved, and not otherwise.

Two Justices may Licence the diseased Poor to travel to the Bath, so they Beg not, 9 *El. cap.* 4. 1 *Jac. cap.* 25. *Licence to travel.*

One Justice dwelling nigh the place where any Ship-wrecked Person, poor Souldier or Mariner shall land, ought to give him a Testimonial thereof, and a Licence to pass to his own Dwelling, &c. in a time convenient. *Testimonial*

A Collection of such Forfeitures as are given by several Statutes to the Poor.

Of Alehouse-keepers that suffer Townsmen, &c. to continue drinking in their Houses, by the Statute of 21 *Jac.*

cap.

cap. 7. The ſame of Perſons keeping Alehouſes without Licence, 1 *Jac. cap.* 9. 3 *Car. cap.* 3. 4 *Jac.*

Of Alehouſe-keepers ſelling leſs than one Quart of their beſt Ale or Beer, or two Quarts of their ſmall for a peny, *Ibid.*

Of Townſmen, &c. Tipling in Alehouſes, *Ibid.*

Of Conſtables, &c. not levying the ſaid Forfeitures, or Whipping the Offender upon the Juſtices Warrant, &c.

Of Perſons convict for Drunkenneſs.

Of Mony made upon ſale of Teinders found by the Juſtices, or by the Overſeers of the Cloth, 3 *Jac. cap.* 18.

Of penalties for want of length, breadth or weight of Cloaths, two third parts, *Ibid.*

The moiety of the forfeiture of the Spawn of Fiſh, 3 *Jac. cap.* 12.

The Fleſh in Lent-time found in Victualling-houſes, 1 *Jac. cap.* 29.

Taking and deſtroying Pheaſants, Partridges, &c. *Vide Tit. Partridges.*

Taking or deſtroying the Eggs of any Pheaſant, Partridge, &c. *Ibid.*

Forfeitures of ſuch as ſhall meet out of their Pariſhes on Sundays for Paſtime, 3 *Car.* 1. 4 *Car.*

Uſing unlawful Games in their own Pariſh on Sundays, *Ibid.*

Taking, deſtroying, tracing or courſing of any Hare in the Snow.

Keeping of any Grey-hound, Setting-dogs to take Partridges, &c.

Selling of any Deer, Hare, Partridge or Pheaſant, *Ibid.* 1 *Jac. cap.* 27.

For Hawking between the firſt day of *July* and the laſt day of *Auguſt*, See *Tit. Partridges.*

Of Overſeers of the Poor negligent in the Execution of their Office, See *Tit. Poor.*

Of Parents or Children not relieving each other according to the order of Seſſions, *Ibid.*

Of ſuch as ſhall be put out of their Pariſh, which ought not to be put out, *Ibid.*

Of ſuch as ſhall any manner of ways diſturb the relief or ſetling of the Poor, *Ibid.*

Of Perſons abſenting themſelves from Church, &c. upon Sundays, &c. See *Tit. Recuſants*, 3 *Jac. cap.* 4. 35 *El. cap.* 2.

Of Perſons hindring the Execution of the Law made the 39 *Eliz.* concerning the puniſhing or conveying Rogues, See *Tit. Rogues.*

Of

Of Conſtables not receiving a Rogue delivered to him, or not delivering him to the next Conſtable, *Ibid.*

Of a Parſon for not reading Common Prayer once a month, 14 *Car.* 2. *cap* 14.

Of a third part of the Forfeitures upon Convènticles, by the Statute of *Car.* 2.

Of the third part of the Forfeitures concerning Highways, 22 *Car.* 2.

Of a Town not receiving a Rogue ſent thither to be ſetled.

Of a Miniſter not keeping a Regiſter Book, or not entring therein the Teſtimonials made for conveying Rogues puniſhed in his Pariſh.

Of Conſtables not doing their endeavour to apprehend, puniſh and convey all Rogues.

Of any Perſon who ſhall not apprehend any Rogue begging at his Door, or bringing any Rogue into the Realm.

Of Profane Swearers or Curſers, according to their quality.

Of Carriers and Drovers, *&c.* Travelling upon the Sunday.

Of ſuch as unlawfully take Fiſh, 22 & 23 *Car.* 2.

Of ſuch as obſerve not the Statute of 4 & 5 *W.* & *M. cap.* 7. concerning Butter and Cheeſe.

4 & 5 *W.* & *M. cap.* 23. Of ſuch as deſtroy the Game.

2 *W.* & *M.* Of ſuch as keep Swine in *London* and *Weſtminſter.*

Of ſuch as unlawfully hunt Deer, &c. 3 & 4 *W.* & *M.*

Of Officers and Souldiers deſtroying Game, 4 & 5 *W.* & *M.*

Of Overſeers, &c. not regiſtring notice of Settlements in Towns, &c. 3 & 4 *W.* & *M.*

Of Butchers killing or ſelling Meat upon that day.

See the Statute of 14 *Car.* 2. *cap.* 12. which is now expired, ſave only as to the Proviſion thereby made for one or more Corporations or Work-houſes to be made within *London*, *Middleſex* or *Surrey*, and within the Limits of the Weekly Bills of Mortality, and for regulating the ſame, where proviſion is made.

That in *London* the Lord Major ſhall be Preſident, the Aldermen and fifty two Citizens to be choſen by the Common Council ſhall be Aſſiſtants, and that all theſe ſhall chooſe a Deputy Treaſurer, &c.

That the Lord Chancellor, &c. in the City of *Weſtminſter* chuſe the Preſident, &c. and the vacancies to be ſupplied by the Juſtices.

That

That in *Middleſex* and *Surrey*, the Preſident, &c. ſhall be named, and upon any vacany, ſupplied by the Seſſions reſpectively.

Which Preſident, &c. ſhall be a Body Corporate, and may purchaſe not exceeding 300 *l. per annum.*

The Juſtices at every Quarter Seſſions muſt take an account of the Treaſurer, &c.

The Preſident, &c. may apprehend Rogues, &c. within their Precincts, and ſet them to work.

If the Preſident certifie the defect of a Stock to the Common Council in *London*, and Juſtices at the Seſſions for *Surrey* and *Middleſex* they may rate the Inhabitants not exceeding one years Rate, and proportion the ſame, and the Appeals ſhall go to the next Seſſions.

Theſe may by Warrant authorize the Church-wardens, &c. to receive the Mony ſo aſſeſſed, or levy the ſame by diſtreſs. See *the Statute at large.*

This Act revived by 1 *Jac.* 2. and both revived as to what relates to Settlement of the Poor, by Act 3 & 4 *W.* & *M.* forty days to make a Settlement of Perſon, &c. in a Pariſh, &c. ſhall be accounted from the publication of a Notice in Writing of the Houſe, and number of the Family, to be read in the Church by the Overſeer or Church-warden the next Lords-day after Divine Service.

The Overſeer, &c. neglecting to read, forfeits to the Party grieved, upon proof by two Witneſſes upon Oath before a Juſtice of the County or Place, 40 *s.* to be levied by diſtreſs and ſale, for want of a Diſtreſs Commitment to the Common Gaol without Bail for a month.

The Overſeer, &c. neglecting to regiſter ſuch Notice forfeits in like manner 40 *s.* to the uſe of the Poor of the Pariſh, and Commitment for want of Diſtreſs, as aforeſaid.

Such as on his own account ſhall execute any publick annual Office or Charge in the Town, &c. during a year, ſhall be adjudged a legal Settlement though no notice as afore.

It ſhall be adjudged a good Settlement if an unmarried Perſon, having no Child or Children, be hired into Service for a year, though no notice, &c.

Alſo of ſuch as ſhall be bound Apprentice by Indenture, though no notice, &c.

The Party grieved may appeal to the Quarter Seſſions, who may determine it.

If a Perſon by this Act be removed by Warrant of two Juſtices from one place to another, and Church-wardens or Over-

Overseers are to receive him upon forfeiture of 5 *l.* to the Poor of the Parish from whence removed, upon proof of two credible Witnesses, upon Oath before any Justice of the County or Town to which the Party shall be removed, to be levied by distress and sale, and Commitment for want of Distress to the Common Gaol of the County or Place for forty days without Bail. The Party grieved may appeal to the General Quarter-Sessions of the County or Liberty from whence the Parties were removed. That the Names of the Parties receiving Collection, and the Cause be registred, and in *Easter*-Week the Parishioners to meet in their Vestry, &c. and call them over, and a new List to be made and entred, and none other to be allowed but by Authority under the Hand of one Justice of the Place, and if none there, of the Parts next adjoyning, or by order of the Quarter-Sessions, except in cases of Plague, Small-Pox and Pestilential Diseases, in respect only of the Families infected.

The Parishioners, except Alms Receivers, upon Tryal against Church-wardens and Overseers for mispending the Publick Mony shall be allowed for Evidence.

Other parts of this Act 14 *Car.* 2. not continued by 3 & 4 *W.* & *M.* continued by 4 & 5 *W.* & *M.* from *Feb.* 1692. for seven years.

CHAP. XCVIII.

Posse Comitatus.

IN all cases where the Justices of Peace, Sheriff, or other Officer is enabled to take the Power of the County, he may command the Attendants of all Knights, Yeomen, Husbandmen, Laborours, Tradesmen, Servants and Apprentices, and all other Persons above the Age of fifteen and under, years able to travel.

But Women, Ecclesiastical Persons, and decrepit or diseased Persons shall not be compelled to attend them.

In such Cases it is referred to the discretion of the Justices, &c. what number he will have, and after what manner they shall be armed.

Any Justice, Sheriff may take what number he pleases in his own County to arrest and imprison Traytors, Murderers, Robbers and other Felons, such as do break or go about

about to disturb the Kings Peace, and all Persons required ought to assist them.

The Justice, Sheriff or Under-Sheriff may take the *Posse Comitatus* to suppress Riots, *Vide Tit. Riots.*

One Justice alone may take the Power of the County for suppressing Riots, 14 *H.* 7. *f.* 8.

One Justice in case of a Forceable Entry may take the *Posse Comitatus*, to remove the Person, as by his own view, or by inquisition taken before him, shall be bound to have made any Forceable Entry or Detainer with force.

The Sheriff or other Officer upon Warrant for the apprehending any Popish Recusant, may take the Power of the County, 3 *Jac. cap.* 4.

The Sheriff, Under-Sheriff or Bailiff, &c. if need be, may by the Common Law take the power of the County to execute the Kings Process, Writ, whether it be of Execution, Replevin, *&c.*

Such as shall not assist, being lawfully required, shall fine to the King.

If a *Supplicavit* be directed to a Justice, he may upon resistance either by himself, or by his Warrant take the *Posse Comitatus* to arrest the Party, though he be a Peer, 5 *Co.* 15.

Besides this, the Sheriff is enabled by his Writ of Assistance under the Great Seal, which commands all Arch-bishops, Bishops, Dukes, Earls, Barons, and other Subjects within the same County to be aiding to him in whatsoever concerns his Office.

The Constable of a Town upon an Affray or a Felony committed, or where one hath hurt another whereby he is in peril of death, or to execute the Warrant of a Justice of Peace may take the aid of his Neighbours, or of other Persons present to execute his Office, 5 *H.* 7. *cap.* 10. 13 *H.* 7. *cap.* 10. *Bro. Trespass* 432.

And indeed every Conservator of the Peace at Common Law, *viz.*

High-Constables, Petty-Constables, Coroners, Sheriffs, Stewards of the Leet, or of a Court of Py-powders, Steward of the Sheriffs Turn, or other Judges of any Court of Record, may take meet help of others, to pacifie and arrest all such who in their presence, and within their Jurisdiction shall go about to break the Peace by deed or word, 28 *Ed.* 3. *cap.* 8.

Every Person may assemble his Friends and Neighbours to defend his Person, &c. being in his House against violence, &c.

&c. but not to go abroad with them to a Fair or Market, &c. 11 *Co. f.* 82. 21 *H.* 7. *cap.* 39.

CHAP. XCIX.

Preachers.

IF any Person shall maliciously disturb any Preacher in time of Sermon or Divine Service, or be procuring, abetting thereunto, or shall rescue, &c. any Offender therein, every Justice within the County upon due Accusation, shall commit such Offenders brought before him to safe Custody, by 1 *Ma. cap.* 3.

Within one day after such Commitment, one other Justice of that Shire, joining with the Justice that committed the Offender, shall examine the Offender, and if they shall find him guilty by two Witnesses, or Confession, they shall commit him to Gaol without Bail for three months then next ensuing, and farther to the next Quarter Sessions, &c.

There are some of Opinion that this Statute is wholly repealed by 1 *Eliz. cap.* 2. See *Lamb.* 199. And of the same Opinion was Sir *Nicholas Hide* at *Bury* Assizes, *Anno* 1629. But it seems that this matter about disturbance of Preachers is a several Statute by it self, and unrepealed, and of this Opinion was *Gromp. f.* 14.

CHAP. C.

Prisons and Prisoners.

ANY Justice which shall commit for any Offence, (the Offender being of Ability shall refuse to defray the Charge of guarding him, &c. to the Gaol, or not pay the same at the time of his Commitment) may grant his Warrant, &c. to the Constable, &c. of the Hundred or Town, where such Offender shall be dwelling, or where he shall have any Goods within that County, &c. to sell so much of his Goods as will satisfie such Charges; the Appraisement to be made by four Inhabitants, of the same place, rendring the over-plus. And where the Offender hath not Goods, the Charge shall be born where he was taken, and the Taxation made for that purpose shall be allowed under the Hand of one Justice, 1 *Jac. cap.* 10.

The next Juſtices or the Quarter Seſſions may adjudge what is fitting to be taken for each Nights Lodging, or other Expences by any Under-ſheriff, Bailiff, &c. who hath any Perſon in his Cuſtody by virtue of any Proceſs, &c. whilſt he is under Arreſt, and not yet carried to priſon, 22 & 23 *Car.* 2.

Three Juſtices, *Quorum unus*, may ſettle what Fees any Perſon ſhall pay for his Commitment, Diſcharge and Chamber-Rent, *Ibid.*

All Juſtices ſhall uſe their endeavours to find out all Legacies, &c. to poor Priſoners for Debt, and to ſend for any Writing, Will, Deed, &c. touching the ſame, and alſo any Perſon concerned therein, and to make Order thereupon, *Ibid.* All which ſhall be ſigned and confirmed by the Juſtices of Peace, and Judge of Aſſize, and hung up in a Table of every Gaol, and alſo regiſtred by the Clerk of the Peace, after which no other, nor greater Fees may be taken, *Ibid.*

The Quarter Seſſions may provide a Stock to ſet Priſoners on work, which ſhall be levied in ſuch manner as other County Charges are raiſed, and provide fit Perſons to overſee them; make Orders therein, which from time to time they may alter and amend, provided that no Pariſh be rated above 6 *d.* a Week, 19 *Car.* 2. *cap.* 4.

The Sheriff or Perſon which hath the Cuſtody of the Gaol by conſent of four Juſtices, *Quorum unus*, upon emergent Occaſions may provide other ſafe places for removal of ſick Perſons in his Cuſtody; The like may be done in Corporations, *Ibid.*

The Juſtices Authority to remand to priſon ſuch as (being ſuſpected by their Creditors to have Goods, &c. above what he is allowed to have by 30 *Car.* or by 22 & 23 *Car.* 2. *cap.* 20.) refuſe to take the Oaths, to be to him again tendred.

Subjects committed not to be removed but by legal Writ, or where delivered, or ſent by Juſtice of Peace, &c. to a Work-houſe, 31 *Car.* 2. *cap.* 2.

Stat. 2 *W.* & *M.* *cap.* 15. For relief of poor Priſoners for Debt or Damages, gives large Authority to the Juſtices.

I. *Stat.* 5 & 6 *W.* & *M.* *Seſſ.* 5. *cap.* 2. That the Act made in the ſecond year of their Majeſties Reign, Entituled, *An Act for Relief of poor Priſoners for Debt and Damages*, be revived; and that the Oath in the ſaid Act ſhall be aboliſhed, and inſtead thereof the Oath herein mentioned ſhall be the Oath tendred to the Sheriffs, Gaolers and Keepers of Priſons.

I A. B. *do ſwear, That I have examined the Commitments or Books belonging to the ſaid Priſon, and that by them it doth appear that* J. S. *was really and truly a Priſoner in the Cuſtody of the then Gaoler or Keeper of the Priſon of* D. *Priſon in the County of* C. *without any Fraud or Deceit, by me or any other, to my knowledge or belief, at or upon the* 28*th day of* November, Anno Dom. 1690.

II. And in caſe any Sheriff, Gaoler or Keeper of Priſon ſhall refuſe to take the Oath herein appointed, he being required, unleſs it appear by the Commitment and Books of the ſaid Priſon, that the Perſon from whom ſuch Oath is required, was not timely a Priſoner in the Cuſtody of the ſaid Gaoler and Keeper, according to the ſaid Act; that otherwiſe the ſaid Gaoler and Keeper ſo refuſing to take the ſaid Oath, ſhall forfeit to ſuch Priſoner the value of the Debt for which he ſhall be impriſoned; and that in that caſe upon complaint of the Priſoner, the Juſtices of Peace of the County or City where the Priſon lies ſhall have power to examine the ſaid Matter upon Oath of any other Perſons, which Oath they are hereby required to adminiſter; and if it ſhall appear to them, that the ſaid Priſoner was truly a Priſoner on the ſaid 28th day of *December* 1690. then the ſaid Juſtices may diſcharge the ſaid Priſoner, ſo as he may have full benefit of the ſaid Act, notwithſtanding the Sheriffs, Gaolers or Keepers refuſing the ſaid Oath; any thing in the ſaid Act notwithſtanding.

And farther, That no Sheriff, Gaoler or Keeper of Priſon, nor any Clerk of the Peace, or other Officer directly or indirectly, ſhall take of any Priſoner to be diſcharged by this Act, any Chamber-Rent, Fee or Reward, for any thing relating to his Diſcharge, above the Sum of ſix ſhillings and ſix pence in the whole, and upon pain of being proceeded againſt as an Extortioner; Any Law, Act of Parliament, or uſage to the contrary notwithſtanding.

And that no Juſtice of Peace, his Clerk or Servant ſhall take of any Priſoner for ſigning his Warrant and Summons any Fee or Reward whatſoever; nor any Clerk of the Papers, or other Officer that ſhall make out any Copies of Cauſes for the ſaid Priſoner, ſhall take for the ſame above four pence, upon pain to be proceeded againſt as Extortioners aforeſaid.

Provided that no Debtor ſhall by virtue of this or the aforeſaid Act be diſcharged of any Debt contracted by ſuch

Debtor ſince the 28th day of *November*, which was in the year 1690.

CHAP. CI.

Proceſs.

THE Court being poſſeſſed of the Cauſe, muſt of Duty proceed to the Trial of it, which cannot be done indifferently, except the Offender be as well heard to diſcharge himſelf, as others to accuſe him.

Therefore if he be preſent, and confeſs the Indictment, he ſhall be forthwith committed till he make Fine, or give Sureties, 1 *H.*7. 20. *Bro. Imp.* 100.

If he be abſent Proceſs ſhall be awarded againſt him to come in and make his anſwer.

An Indictment or Information being but an Accuſation againſt him, is of no other force but to put him to anſwer; and hereof Proceſs hath the Name, becauſe it proceedeth on former Matter, either Original or Judicial.

The Authority of making Proceſs upon Indictments, is given by expreſs words in the Commiſſion. In other caſes by ſome Statutes, and ſometimes to Juſtices out of their Seſſions, ſometimes to one ſingle Judge. See *Tit. Forcible Entry* and *Tit. Sheriffs*.

It is likewiſe in other caſes implied of Congruence or rather of Neceſſity, in the words *hear* and *determine*; as where Power is given to the Juſtices out of Seſſions to hear and determine. See *Tit. Riots*, *Tit. Weights*, for otherwiſe the Juſtices cannot proceed, unleſs the party come in *gratis*. 5 *Ed.* 6. *cap.* 14.

The Warrant of a Juſtice is only to attach and convene the party before Indictment, and may be either in the Name of the King or of the Juſtice. Proceſs is always in the Name of the King, and after an Indictment found, or after other Conviction.

Firſt, A *Venire* is uſually awarded by the Juſtices under their own *Teſte*, if the party be abſent; and if thereupon he be returned ſufficient, and makes default, a *Diſtringas* is to be awarded *infinite* till he come in; but if a *Nichil habet*, &c. be returned at firſt, then after a *Venire fac.* a *Capias*, then an *Alias*, and after a *Pluries* ſhall go forth, and after that an *Exigent* till the party yield himſelf, be taken or outlawed.

Theſe

Theſe are the ordinary Proceſs upon Indictment of Treſpaſs againſt the Penal Statutes, not being Felony or greater Offence.

Theſe Proceſſes ſhall be directed to the Sheriff, except himſelf or his Officers be Parties, and then it ſeemeth ſuch Proceſs ſhall be directed to the Coroners of the County, 2 *H.8. cap.*12. 8 *H.6. cap.*30. 9 *H.6. cap.*11.

The Kings Proceſs muſt be with a *Non omittas propter aliquam libertatem*, &c. But the *Teſte* may be under the Name of a Juſtice.

If the party be outlawed, the Juſtices can make no *Capias utlagatum*, but muſt certifie the Outlawry to the *Kings Bench*, *Lamb.* 503.

Proceſs (as well of *Capias*, &c. as of *Outlawry*) may be ſtaved by a *Superſedeas* from other Juſtices, teſtifying that the party found Sureties to anſwer, or to pay his Fine, *Lamb.* 500.

The Authority of Juſtices in ſending theſe Proceſſes out of Seſſions is beyond the bounds of their Commiſſion, and therefore they muſt have the Authority of ſome Statute either expreſs, or at leaſt by implication.

By the Statute of 11 *H. 6. c. 6.* it is provided that no Plea, Suit or Proceſs taken before Juſtices ſhall be diſcontinued by a new Commiſſion of the Peace.

Obſerve theſe Proceſſes in the caſes enſuing.

A Juſtice of the County, or Town Corporate, may award as many Writs of *Capias* as ſhall be neceſſary to any Sheriff or Officer in another County, where a Servant or Apprentice in Husbandry, *&c.* reſident which hath departed from his Maſter, contrary to the Statute, 5 *Eliz. cap.* 4. And theſe may be made returnable before himſelf what time he pleaſeth, See 2 *H.* 5. *cap.* 4.

Juſtices in a County where a Perſon is indicted of Felony may award Proceſs to the Sheriff of another County where the Party is abiding to apprehend, 5 *Edw. 6. cap.* 11.

In ſuch caſes there muſt iſſue two *Capias*'s, the later of which muſt be with Proclamations, and ought to contain three months betwixt *Teſte* and Return, 8 *H. 6. cap.*10. If the Party indicted be named in the Indictment in another County by an *Alias dictus*, this is out of the ſaid Statute, becauſe the *Alias dictus* is not traverſable, 1 *Ed.* 4. *cap.* 1.

An Exigent ſhall not go forth againſt the Acceſſory till the Principal be attaint, *Weſtm.* 1. *cap.* 14. and 43 *Ed.* 3.

Proceſs of Outlawry ſhall be awarded upon an Indictment of Treſpaſs and Conſpiracy, and of Routs in the preſence of the Juſtices, if the Offenders cannot be brought in 18 *Ed.* 3. *cap.* 1, 2.

No Outlawry lies upon an Indictment of Foreſtalling or Maintenance upon an Original, 8 *H.6. cap.* 37.

If an Exigent upon an Indictment before Juſtices of Peace be returned *Quartis exactus*, an Exigent *de novo* ſhall iſſue forth.

An Infant of ſeven years old is outlawed, this is not good, but error, *Dyer* 239.

If a Man be arraigned of Felony before Juſtices of Peace, they may award Proceſs to try him the next day, 22 *Ed.* 4. *cap.* 44.

Upon the Statute of 22 *H.*8. *cap.* 65. concerning Bridges, ſuch Proceſs ſhall be awarded, as ſhall be thought fit by the Juſtices.

Upon Preſentments on the Statute of Liveries, Maintenance, unlawful Games, &c. a *Venire*, *Capias* and *Exigent* were appointed to be the Proceſs, 33 *H. cap.* 10. But now that Statute being repealed; *Quære*, what Proceſs, and the Statutes of Labourers, by 23 *H.* 6. 13. *Attach. Capias* and *Exigent* were appointed to be the Proceſs. See 5 *Eliz. cap.* 4. if it be not altered.

Two *Capias*'s and *Exigent* and a *Capias Utlagatum*, ſhall iſſue on an Indictment upon the 1 *Eliz.* 1. for depraving the Sacrament, &c.

Now Juſtices may award Proceſs on Indictments taken before former Juſtices, 11 *H.* 6. 6.

If a Proceſs be awarded on Indictment before Juſtices of the Peace, and before the King dies, and new Juſtices are made by the Succeſſors, this Proceſs may be returned at the day before ſuch new Juſtices, *Dyer* 166. it being on an Original, and in a Court of Record.

The Juſtices of the Peace may award ſuch Proceſs upon an Indictment, removed before them from the Town or Leet as ſhould have iſſued if it had been taken Originally before them, 1 *Ed.*4. *cap.*2. *Stamf.* 87. 4 *Ed.* 4. 30.

Juſtices may award an Attachment to the Sheriff in any County whatſoever, returnable before themſelves againſt ſuch Perſon (there abiding) as having been Collector for Monies aſſeſſed for building of Gaols, refuſeth to give an account thereof, 23 *H.*8. 5. 5 *Eliz. cap.* 24.

The Juſtices may award the ſame Proceſs againſt Inholders baking Horſe-Bread unlawfully, as is uſual in caſe of Treſpaſs againſt the Peace, 32 *H.* 8. 41.

The

The like Proceſs ſhall be awarded where the Sheriff or Bailiff of a Franchiſe is indicted for not executing Proceſs upon 8 *H.6. cap.* 9. of Forceable Entries.

Proceſs ſhall be Awarded againſt Foreſtallers, Regrators and Ingroſſers, upon the Stat. of 5. *Ed. 6. cap.* 14. as if they were indicted by Inquiſition or Verdict of twelve Men.

The like Proceſs ſhall be awarded 5 *Ed.6.* 25. againſt him that hath broken his Recognizance, for keeping an Alehouſe to ſhew cauſe why it ſhould not be forfeited.

The like Proceſs ſhall iſſue againſt ſuch as uſe falſe Meaſures, Weights contrary to 11 *H.* 7. 4. as uſually iſſues for the breach of the Peace.

If an Eſcheator have not forty pounds *per annum* for his life, or let out his Office to farm, the like Proceſs lies againſt him, as in caſe of a Treſpaſs with force, 12 *Ed.* 4. *cap.* 9.

Like Proceſs ſhall iſſue againſt him which is indicted upon 25 *H.* 8. *cap.* 13. (for keeping more Sheep than are there allowed) as is uſual in Treſpaſs before Juſtices of the Peace.

If an erroneous Proceſs be awarded by the Juſtices they may amend it at any time pending the Proceſs, and award ſuch Proceſs as is fitting, with a *Superſedeas* to ſtop the execution of ſuch as was erroneous, 40 *Ed.* 3. 16.

The Juſtices for the Offences mentioned in 27 *El.* 12. for Sheriffs, &c. not taking the Oaths upon Conviction, may award for Forfeitures, by *Fieri facias*, *Attachment*, *Capias* or *Extent*.

CHAP. CII.

Propheſies.

IF any one ſhall publiſh by Writing, Speech or Deed, &c. any phantaſtical or falſe Propheſie, upon or by occaſion of Arms, Fields, Beaſts, &c. or by reaſon of any time, year, day, &c. make any Rebellion or diſturbance in the Realm, &c. he ſhall be impriſoned for a year without Bail, and forfeit 10 *l.* for the ſecond Offence be impriſoned for Life, and forfeit all his Goods to the King and Proſecutor, 5 *Eliz. cap.* 15.

Juſtices of the Peace have Authority to hear and determine theſe Offences, ſo as the party be accuſed within ſix months: But it ſeems ſuch as contrary to this Act, ſhall publiſh falſe Propheſies, with intent to raiſe Rebellion, are to be impriſoned for one year without Bail, by only one Juſtice, or by any greater number of Juſtices otherwiſe than in the Seſſions.

CHAP. CIII.

Purveyance.

IF any Buyer or Officer of any Lord, or other Perſon do take any Victuals, *&c.* or any other thing whatſoever of any of the Kings People againſt their will (without lawful Bargain made) then upon requeſt to the Major, Sheriff, *&c.* or other the Kings Miniſters (under the word *Juſtice* is comprehended) of Cities, Boroughs, Counties, *&c.* where ſuch taking ſhall be; the ſaid Major, *&c.* ſhall preſently arreſt ſuch Buyer and Officer offending, and them ſend to the Kings next Priſon, there to remain without Bail, till they have redelivered the ſaid Goods, or paid the value, 23 *H.* 6. *cap.* 14.

No Perſon by Commiſſion, *&c.* or by colour of Purveyance for the King, Queen, *&c.* ſhall take Timber, Fuel, Cattle, Corn, *&c.* or other thing whatſoever, without the Owners free conſent, nor Summon any Carriage for ſuch uſe without the Owners like conſent, 12 *Car.* 2. *cap.* 24.

No Proviſion ſhall be allowed in behalf of the King, *&c.* in or out of Market, but the Kings Subjects may ſell their Goods as they liſt, *Ibid.*

If any Perſon ſhall make Proviſion or Purveyance for the King, *&c.* or impoſe any Carriage on pretence or colour of any Warrant whatſoever, any one or two Juſtices next adjoining, and the Conſtables of the Pariſh are hereby enjoyned to commit the Offender till the next Seſſions, there to be indicted at the requeſt of the party grieved, who ſhall recover treble Damages and treble Coſts, *Ibid.*

CHAP.

CHAP. CIV.

Quakers.

PErsons so called, being of the age of sixteen years, or more, may not assemble above five in number, under pretence of Religious Worship, upon penalty for the first Offence to pay a Fine not exceeding 5 *l.* upon Conviction, by Verdict, Confession or notorious Evidence of the Fact; and after such Conviction, for the second Offence 10 *l.* being convicted thereof, in manner aforesaid, which penalties shall be levied by distress, by Warrant upon the party, before whom the Conviction shall be, and for want of distress and non-payment in one Week after, for the first Offence three months Imprisonment in the Gaol, or House of Correction; for the second six months without Bail, the penalties to be imployed to maintain the House of Correction; for the third Offence the party shall abjure, or the King may transport him to any of his Plantations, 13 & 14 *Car.* 2. *cap.* 1.

Justices of *Oyer* and *Terminer* Assize, Gaol-delivery, and of the Peace in open Sessions, may hear and determine Offences against this Act. Any Justice, Major, *&c.* may commit or bind over, *&c.* in order to Conviction, *Ibid.*

Such Persons as after Conviction shall take such Oath (for refusal whereof they stand convicted) and give security to forbear such unlawful Assemblies, shall be discharged of all the said penalties, *Ibid.*

Lords of Parliament to be tryed for every third Offence by their Peers.

See *Dissenters.*

CHAP. CV.

Rates for Water Carriage, &c.

BY an Act 6 & 7 *W.* 3. to prevent Exactions of the Occupiers of Locks and Wears upon the River of *Thames* and *Isis*, Westward, and for ascertaining the Rates of Water Carriage upon the said River, and for preventing Abuses committed by Bargemen in their Navigation; It is enacted,

enacted, That the Juſtices of Peace for the time being of the ſeveral Counties of *Wilts*, *Gloucester*, *Oxford*, *Berks* and *Bucks* within their reſpective Counties for ever, hereafter ſhall be Commiſſioners to put this Act in execution, *viz.*

The ſaid Commiſſioners, or any five of them, have power at their reſpective General Quarter Seſſions of the Peace, upon examination of the Matter in controverſie, upon Oath to make Orders and Conſtitutions for ſettling reaſonable Rates to be taken from the Owners of Barges, Boats or Veſſels by the Occupiers of all Locks, Wears, *&c.* or other Engines within their reſpective Counties, for the help of the Barges, *&c.* may receive thereby, having reſpect to the ancient Rates, and neceſſary Charges of Repairs, and ſuch other neceſſary Rules concerning the Navigation, and concerning ſuch Locks, *&c.* or other Engines, and the ſhutting, opening, penning, drawing, uſe or management thereof, and concerning the Barges, Boats or Veſſels by, through or with the help of the ſame, and the Behaviour of the Bargemen, *&c.* working in ſuch Barges, *&c.*

The ſaid Juſtices, or any five of them, in their reſpective General Quarter Seſſions next after *Eaſter-day*, yearly, are to aſſeſs the Rates and Pieces of Carriages of all ſorts of Goods from any place in their reſpective Counties to any other place upon the ſaid Rivers, and give publick notice thereof to the head Officer in every Market Town within their reſpective Counties,

The Perſons offending againſt ſuch Rules forfeit 5 *l.* for every Offence, to be recovered at *Weſtminſter*.

Nevertheleſs the Juſtices of Aſſize of the County of *Oxford* may upon complaint of Perſons agrieved within one year after the making ſuch Rules, *&c.* to confirm, vacate or alter the ſame as ſhall be thought moſt convenient.

All the Rules, *&c.* other than of the Rates for Carriage, to be written in Parchment, and ſigned by the Commiſſioners or five of them, and be kept amongſt the Records of the Seſſions of the Peace of that County.

And the Rules, *&c.* other than of the Rates for Carriages, ſo ſigned or confirmed, or altered on Appeal, ſhall continue in force for ſeven years, and until ſome new Order, *&c.* ſhall be made, which ſhall alſo be ſubject to the like Appeal.

If any doubt ſhall be made amongſt the Commiſſioners in what County any ſuch Locks, Wears, Bucks, Winches or other Engines, are or ſhall be, they ſhall be adjudged ſubject

ſubject to the Juriſdiction of the Commiſſioners of that County, within which the ſame are to be taxed or rated to the Church or Poor.

Theſe Commiſſioners not to execute their Powers between *Bercot* and *Oxford*, nor to impeach the Act for making the River of *Thames* Navigable from *Bercot* to *Oxford*, but to be left to the Commiſſioners in that Act; and that upon the death of any of the preſent Commiſſioners, for that Act the ſurviving Commiſſioners for the City of *Oxford* may elect another in his ſtead; this Act not to impeach the Juriſdiction of the City of *London*, or other Bodies Politique or Corporate, or other Perſon or Perſons whatſoever.

Every Barge-maſter and Owner is made reſponſible for the Damage that ſhall be done by his Barge or Boat, or the whole, or any of the Crew of his Bargemen to any of the Wears, Locks, *&c.* and other Engines, and may be ſaved for the ſame, and the Plaintiff ſhall recover his Damages and full Coſts.

This Act to continue in force from the firſt of *May* 1695. for nine years, and thence to the end of the next Seſſion of Parliament, and no longer.

CHAP. CVI.

Recognizances in general.

A Recognizance is a Bond of Record taken uſually by a Judge or Officer of Record, teſtifying the Recognizor to owe a certain Sum of Mony to ſome other, *Dalt.* 457.

A Recognizance is a Record preſently before it be made up in form, *Stamf.* 77. *a.*

A Juſtice of Peace by his general Authority may deliver a Recognizance into the *Kings Bench* with his own Hand, *Palmer* 311.

A Juſtice of Peace may take a Recognizance of 1000 *l.* for the Peace if the Perſon be dangerous, *Stile* 322.

The Notes that are taken in Paper are good Records, 2 *Roll Rep.* 239.

All Recognizances taken by Juſtices of the Peace muſt be made to the King by the words (*Domino Regi*) upon pain

pain of Impriſonment, and ſuch Recognizances are in the nature of a Statute Staple, 33 *H.* 8. *cap.* 39.

Theſe the Juſtices of Peace are in ſome Caſes inabled to take by expreſs Statute; In other Caſes it is rather by Congruity, than either by their Commiſſion or Statute.

Note, Where ever a Statute gives them power to take a Bond to bind any Man, to appear at the Aſſizes, *&c.* to take Sureties for any Matter, or but to cauſe a perſon to do any thing; In all theſe Caſes they have (in Congruity) power given them to bind the party by Recognizance to do it; or commit him.

In Caſe where a Juſtice, *&c.* has power to take Recognizance, if the party refuſe to be bound the Juſtice, *&c.* may ſend him to Gaol, 11 *Co. Rep.* 52.

By the Statute 4 *&* 5 *W. & M. cap.* 18. Every Juſtice of the Peace may take Recognizances from perſons procuring Informations in the *Kings Bench* to be entred to the perſon againſt whom ſuch Information or Informations is or are to be exhibited in the penalty of 20 *l.* that he, ſhe or they will effectually proſecute ſuch Informations, and abide by and obſerve ſuch Orders as the Court ſhall direct.

And upon the removing of Indictments by *Certiorari*, ſee before *Tit. Certiorari.*

In the Caſes following the Juſtices out of Seſſions may take Recognizance.

One Juſtice may take Recognizances for the Peace or Good Behaviour by their Commiſſion upon Complaint made to them, or upon a *Supplicavit* delivered to them.

One Juſtice may bind by Recognizances ſuch as declare any thing againſt a Felon to appear at the Aſſizes, &c.

May bind ſuch as keep Common Alehouſes, &c. or unlawful Games that they keep them no longer. And ſuch as play at unlawful Games that they uſe the ſame no more, 33 *H.* 8. *cap.* 9.

May bind over perſons ſuſpected to uſe Logwood in dying, and ſuch as can diſcover the ſame.

May bind takers of Partridges, &c. and hawkers in Corn to appear at the next Seſſions, *Vid. Tit.* Partridges.

May bind perſons convict for deſtroying Pheaſants, &c. that they offend not thereafter.

May bind a Maſter miſuſing his Apprentices, &c. to appear at next Seſſions.

Two Juſtices may take Recognizances of Alehouſe-keepers for keeping good Orders.

May bind an Alehouſe-keeper (committed for victualling without Licence) that he keep no more an Alehouſe.

May

May bail Priſoners to find Sureties for their Appearance, *&c.*

May bind the Overſeers of Cloth to ſee the Statute obſerved.

May bind the Defendant in a Suit of Tithes to obey the Sentence of the Judge.

May bind an Offender of a Penal Statute to appear at the Seſſions.

Every Recognizance taken by a Juſtice muſt be made *Domino Regi* on pain of Impriſonment of any perſon who ſhall take it otherwiſe. And all Recognizances ſhall be in the nature of Statutes Staple, 33 *H.* 8. *cap.* 39.

A Juſtice can take no Recognizance but only for ſuch Matters as concern his Office.

A Recognizance taken by a Juſtice is Matter of Record preſently though it be not entred in his Book, *Stamf.* 77. *a. Br. Record* 58.

If a Juſtice take a Recognizance where he hath no power it is abſolutely void.

Theſe Recognizances are to be certified by the Juſtices at the next Quarter Seſſions, except ſuch as are to inform againſt Felons, and upon Bailment of Felons, which upon Statutes they are to do at the next Quarter Seſſions, 3 *H.* 7. *cap.* 1.

If a Recognizance for the Peace be taken by a Juſtice *ex Officio*, the number and ſufficiency of the Sureties, the Sum wherein, *&c.* And the time how long is wholly left to his diſcretion. But if it be taken by virtue of a *Supplicavit*, &c. it muſt be done as the Writ preſcribes; yet if no Sum be expreſſed therein, *&c.* The Juſtice as to ſuch Matter is left to his Liberty. See amongſt the Preſidents *Tit.* Recognizances. *Recognizances for the Peace.*

Juſtices in their Seſſions may examine the Sureties upon Oath of their ſufficiency, *Cromp.* 194.

If a Juſtice bind one for his Life he cannot afterwards releaſe him. If the Recognizance be general and not time limited, it ſhall be intended for Life. If no mention be made in the Recognizance, or in the Condition of it, that it is for the Preſervation of the Peace, ſuch Recognizance ſeems to be void, ſo it is if the Party be bound not to beat or maim *J. S.* for it ought to be to keep the Peace in general, but it is good though no time of appearance be contained in it.

A Recognizance to keep the Peace towards the King and all his People, or towards *A.* only, or towards *A.* and his Servants is good. A Juſtice who takes Recognizances by virtue

virtue of a *Supplicavit*, may keep it uncertified till he receive a *Certiorari*.

The Juſtices cannot award any Proceſs upon a Recognizance forfeited, but they muſt certifie the ſame with the Cauſe of Forfeiture into ſome of the Courts at *Weſtminſter*.

Note, If the Sureties die, the Principal is not compellable to find new ones.

What Act ſhall be a Forfeiture of the Recogniſances

Whatever is a breach of the Peace is forfeiture of the Recognizance entred into for the keeping it.

Menacing Words to the perſon himſelf at whoſe Suit he was bound to the Peace is a breach of it; otherwiſe it is in the abſence of ſuch party, unleſs he lies in wait to put that in Execution which he hath ſpoken. Every Aſſault, Battery, going with Armour, or unuſual Attendance in terror of the People, commanding another to break the Peace, if it be afterward done; Falſe Impriſoning, Thruſting another into the Water whereby he is in danger of drowing, Raviſhing a Woman, Committing Burglary, Robbery, Murder or Manſlaughter, or procuring the ſame; Treaſon againſt the Kings perſon, aſſembling riotouſly, Wounding one another at Back-Sword, *&c.* though they play by conſent, Retaining a Servant departed againſt his Will. All theſe are Forfeitures of the Recognizances.

What ſhall be no Forfeiture.

But if the Parent chaſtiſe his Child within age, the Maſter his Servant or Apprentice, the School-Maſter his Scholars, The Gaoler his unruly Priſoners, A perſon confining his mad Relations, a Conſtable, *&c.* ſtriking a perſon that will not yield to his Arreſt, Beating of another in defence of his own perſon, or the perſon of his Father, Mother, Maſter, Child within Age (not able to defend himſelf) or of his Goods, or Poſſeſſion, his lawful way, or ancient Water-courſe, the executing the Law, as Whipping, *&c.* by an Officer authorized, Unlawful entring into Lands, *&c.* (though with force) ſo that it be without violence to the perſon of any one, or terror to the People, or taking away another Mans Goods wrongfully or felonioufly, ſo it be not from his perſon. All theſe are no Forfeitures of the Recognizances.

Note, If a Man be bound for himſelf and his Servants, if any of them break the Peace the whole Recognizance is forfeited.

If a perſon be to appear at a certain day his Appearance muſt be recorded to have been on that very day.

One

One bound generally to the King, and all his People may (upon his Appearance at the Seſſions) be diſcharged by Proclamation. *What ſhall diſcharge the Recogniſance.*

The Conuſor muſt appear and his Appearance be Recorded, though his Recognizance be not certified by the Juſtice.

If the Recognizance be removed by *Certiorari*, the Conuſee need not appear at the Seſſions, for the Juſtices cannot call him having nothing before them.

Neither the Kings Juſtice, or party, can releaſe or otherwiſe diſcharge one bound to the Peace for his Life. One bound to the Juſtice by his diſcretion to appear at a certain day, may be releaſed by him him; and this ſhall excuſe his appearance.

A Recognizance to keep the Peace toward *A.* only, ſhall be releaſed by *A.* alone, and ſuch Releaſe certified to the Seſſions diſchargeth the Conuſee of his Appearance, ſo it is of a Recognizance *Verſus cunctum populum & præſipue verſus* A. It ſeems *A.* may releaſe it.

The Juſtice ought to certifie the Recognizance to the Seſſions though releaſed.

Note, The Peace may be releaſed before any Juſtice *ore tenus*, and a *Relaxatur* is entred thereupon; For a Releaſe under Hand and Seal is void.

The Demiſe of the King; The death of the Conuſor, be it of him at whoſe Suit the Peace was granted (whether the ſame were to be kept towards himſelf alone, or *verſus cunctum populum & præcipue verſus* himſelf) ſhall diſcharge the Recognizance.

CHAP. CVII.

Recuſants.

THIS Word Recuſant doth properly ſignifie ſuch Perſon only as on account of Adherence to the Church of *Rome*, in her meerly pretended Supremacy over other Churches, doth deny to Temporal Princes claiming under God Imperial Thrones, that Supremacy which they lawfully claim as their Charge and Duty, and which by the Statute of 26 *H.* 8. *cap.* 1. is juſtly reunited to the Imperial Crown of this Kingdom. Former Princes have lopt the Branches,

Branches, but this Prince laid the Ax to the Root. By the Statute of 24 *H.* 8. *cap.* 12. he diſcharged all Appeals to *Rome*. By 25 *H.* 8. *cap.* 20. and 26 *H.* 8. *cap.* 3. he prevented the Court of *Rome* from receiving Firſt-fruits. By 25 *H.* 8. *cap.* 21. he took off the payment of all Impoſitions to *Rome*, Laſtly by the aforementioned Statute of 26 *H.* 8. *cap.* 1. To compleat all, he reaſſumed the Supremacy; and ſo it continued all his Reign, and his Sons, and the beginning of Queen *Mary*. But at length ſhe began to omit it in her ſtile, and at length prevailed for an Act of Parliament to repeal it. But that Statute of Repeal by 1 *Eliz.* *cap.* 1. was repealed, all Foreign Juriſdiction put away, and the ancient Preheminencies of Right belonging to the Crown of *England* moſt juſtly re-eſtabliſhed, which hath happily continued to our days, and may they ſtill remain the inſeparabl Diadems of the Crown to the end of time.

Sectaries. But ſince thoſe times other Statutes have been enacted againſt another ſort of People called *Sectaries* diſobeying ſome Matters in Cauſes Eccleſiaſtical, ſome of them forbearing to come to Church, though not on Popiſh deſigns; againſt theſe Sectaries 35 *Eliz.* *cap.* 2. was made, and many other Laws ſince that time.

But theſe ſorts of People have been called Recuſants promiſcuouſly of late times, and the Laws made againſt the former have been likewiſe put in Execution againſt the later, however I will make the diſtinction as well as I can, and ſhew you.

1. What Statutes are ſaid to extend to them both, ſuch are, 1 *Eliz.* *cap.* 1. 1 *Eliz.* *cap.* 2. 8 *Eliz.* *cap.* 1. 23 *Eliz.* *cap.* 1. 5 *Eliz.* *cap.* 1. 13 *Eliz.* *cap.* 2. 35 *Eliz.* *cap.* 1. 35 *Eliz.* *cap.* 2. 1 *Jac.* *cap.* 4. 3 *Jac.* *cap.* 4. 3 *Jac.* *cap.* 5. 7 *Jac.* *cap.* 2. 7 *Jac.* *cap.* 6. 29 *Eliz.* *cap.* 6. 3 *Car.* 2. 27 *Eliz.* *cap.* 2. all which are ſtill in force, particularly that of 35 *Eliz.* *cap.* 1. as is declared by 16 *Car.* 2. *cap.* 4.

I ſhall obſerve ſome material differences between theſe Statues; 35 *Eliz.* *cap.* 1. requires Conformity from all perſons or Abjuration; 35 *Eliz.* *cap.* 2. relates only to perſons of mean Eſtates, or Forfeiture of Goods and Land.

Married Women are excepted out of the firſt, but within the other, as to all matter, but Abjuration.

Recuſancy ſtands in two particulars, Abſenting from the Church, Refuſing the Oath, 1 *Eliz.* *cap.* 1. 3 *Jac.* *cap.* 4.

Every perſon (without reaſonable excuſe) ſhall reſort to his Pariſh Church, &c. or to ſome uſual place where Common Prayer, &c. ſhall be uſed upon every Sunday and Holy-Day on pain of the Cenſures of the Church, and to pay

pay 1 *s.* for every Offence to be levied by the Church-wardens to the use of the Poor, Statute of 23 *Eliz. cap.* 1. saith, That every Person sixteen years old not repairing to same Church, *&c.* contrary to 1 *Eliz. cap.* 2. shall forfeit for every month 20 *l.* &c.

1. *Note*, It needs not be aver'd in an Indictment upon 1 *Eliz. cap.* 2. that the Offender was an Inhabitant, for that ought to come of the other side; as *Manocks* Case, *M.* 3 *Jac. cap.* 1.

2. The Stat. of 23 *Eliz. cap.* 1. says, (being thereof convicted) which is not intended a former Conviction but upon the same Action, Dr. *Fosters* Case, 3 *Co.*

3. The Statute of 23 *Eliz. c.* 1. mentioned a Person of sixteen years old, *&c.* an Indictment which says, *existens etat.* 16 shall relate to the time of the Offence, not of the Indictment, *Talbots* Case.

4. Feme Coverts are within 1 *Eliz. cap.* 1. and 23 *Eliz. cap.* 1.

And an Information lies against the Husband, *Laws* Case, *P.* 13 *Jac.*

5. The penalty of 1 *s.* a Sunday, and 20 *l. per mensem*, shall be both paid.

6. The Statute of 1 *Eliz. cap.* 2. extends to Sundays and Holidays, but 23 *Eliz. cap.* 1. and 3 *Jac. cap.* 4.

7. It is holden by some Persons that repairing to Church every Sunday must be as well to Evening as to Morning Prayers.

Now that you may know what are Holy-days, I refer you to 5 & 6 *Ed.6. cap.*3. and to the *Rubrick.*

The Oath of Supremacy must be taken by Spiritual Persons, by all Lay-persons preferred by the King to any Office, from such Persons as are appointed by Statute 5 *El. cap.* 1.

If any Person by Writing, *&c.* shall maintain the Authority or Jurisdiction, *&c.* of any Foreign Prince, Prelate, *&c.* such Offender shall forfeit to the King all his Goods and Chattels; and if his Goods shall not be worth the Sum of 20 *l.* then over and above the Forfeiture of his said Goods, he shall be imprisoned for a year, 1 *Eliz. cap.*1.

If he be a Spiritual Person he shall forfeit all his Spiritual Promotions, and for the second Offence incur the penalty of a *Premunire*, and for the third Offence suffer as for Treason, *Ibid.*

All persons admitted *In Ordines Sacros*, or Graduates in the Universities, School-Masters, Persons taking all Degrees,

grees of Learning at Common Law, all Attornies, &c. All perſons belonging to the Canon or any other Law admitted in *England*, &c. ſhall take the ſaid Oath, *Ibid.*

The puniſhment is a *Præmunire*, the Offenders may be returned into the *Kings-Bench*, and there indicted, &c. *Ibid.*

If any perſon above ſixteen, abſenting from Church one Month, ſhall perſwade the Queens Subjects to oppoſe her Authority Eccleſiaſtical, &c. he ſhall be committed without Bail till Conformity, being required by the Biſhop or Juſtice of Peace, &c. or abjure the Realm, 35 *Eliz. c.* 1.

If ſuch perſon ſhall refuſe to abjure, or not depart, or return afterwards, &c. he ſhall be judged a Felon, *Ibid.*

Such Abjuration ſhall be entred upon Record by ſuch Juſtices, before whom it ſhall be made, and by them it ſhall be certified to the next Gaol delivery, *Ibid.*

If before Abjuration the party ſhall go to Church and declare his Conformity, he ſhall be diſcharged, which the Miniſter ſhall enter into a Book and certifie to the Biſhop, *Ibid.*

If a Party ſhall relapſe, not go to Church, or go to Conventicles, his Submiſſion ſhall become void, *Ibid.*

The Penalties by 23 *Eliz. cap.* 1. and 35 *Eliz. cap.* 1. ſhall be recovered to the Queens uſe by Debt, &c. in the Kings Bench, &c. a third whereof ſhall go to charitable uſes.

Every perſon above ſixteen, being a Popiſh Recuſant convict of abſence from the Church, ſhall within forty days after, if at liberty; within twenty, if reſtrained, repair to the place of his abode, and not remove five miles thence, on pain to loſe his Goods, &c. and his Lands for Life. If he hath not a biding place, to the place of his Birth, or where his Parents dwell, in which place he ſhall give his Name to the Miniſter, Conſtable, &c. to be entred in a Book which ſhall be kept in the Pariſh, and this ſhall be certified to the Seſſions, and there inrolled, 35 *Eliz. cap.* 2.

A Popiſh Recuſant Convict (not having twenty Mark Freehold *per annum*, or 40 *l.* in Goods, nor a Feme Covert) which ſhall not repair to ſuch place, &c. or ſhall after remove five miles thence and not conform in three Months, *ut ſupra*. Two Juſtices or a Coroner may require him to abjure, which ſhall be entred, &c. *ut ſupra*, 35 *Eliz. cap.* 1. which was made againſt Sectaries, this only againſt Popiſh Recuſants, *See the form of Submiſſion in each Caſe.*

All fraudulent Conveyances made by ſuch Perſons for their own Maintenance, or with power of Revocation, are void, 29 *Eliz. cap.* 6.

Convictions of Recuſancy ſhall be in the *King-Bench*, Aſſize or Gaol delivery and not elſewhere, from whence they ſhall

ſhall be eſtreated into the *Exchequer* the next Term, 27 *Eliz. cap.* 6. But ſee *Hob.* 204. That Debt or Information lies in the Common Pleas. Indictments in the *Kings Bench.* The Perſons convicted ſhall pay their Forfeitures into the *Exchequer* twice a year, without farther Conviction, or elſe Proceſs ſhall iſſue to ſeize their Goods, and three parts of their Lands, 29 *Eliz.* 6.

No Indictment ſhall be quaſhed or reverſed for lack of form, or for other matter, ſave only by Traverſe for not coming to Church, but if he conform *ut ſupra*, may diſcharge the Indictment, *&c.* 29 *Eliz.* 6. 3 *Jac. cap.* 4.

Upon ſuch Indictment Proclamation ſhall be made that the Offender render himſelf to the Sheriff before the next Aſſizes, elſe he ſhall ſtand convict as upon Trial, 3 *Jac. c.* 4.

The Juſtices of Peace may determine theſe Offences, *&c.*

The King may refuſe the 20 *l. per menſem*, and take the two parts of the Lands, and of the Goods, *&c.* And an Advowſon is without that Clauſe, *Jones Rep.* 20.

A Popiſh Recuſant that conforms ſhall within a year after take the Sacrament, and ſo every year or forfeit 20 *l.* for the firſt, 40 *l.* for the ſecond, and 60 *l.* for the third, and every year after till he receive, 3 *Jac. cap.* 4.

Any Offender againſt 23 *Eliz. cap.* 1. (except for Treaſon or Miſpriſion) which ſhall conform, *&c.* before Judgment, ſhall be diſcharged upon his Submiſſion, from his firſt Offence, *&c.*

If any perſon ſhall releive, keep, *&c.* in his Houſe any Servant Sojourner, *&c.* who ſhall forbear Divine Service for a Month together, *&c.* ſhall forfeit 20 *l. per menſem.* He that ſhall keep in his Service Fee or Livery any Perſon which ſhall forbear to go to Church for a Month, ſhall for every ſuch Month forfeit 200 *l.* but he may keep his Father, Mother, *&c.* And Juſtices may determine all Offences againſt this Statute except Treaſon. Wives ſhall not forfeit for not taking the Sacrament, nor their Husbands for them, 3 *Jac. cap.* 4.

Juſtices of *Oyer* and *Terminer* and of Aſſize muſt determine the Offences by 1 *Eliz. cap.* 2. but Juſtices of Peace have likewiſe the ſame power given them by 23 *Eliz. cap.* 1. upon Indictments at their Seſſions; ſo likewiſe touching the Offences by 1, 5 and 13 *Eliz.* except Treaſon and Miſpriſion.

All Forfeitures ſhall be divided, one third to the Queen, for her ſelf, another to her for the Poor, and a third to the Proſecutor; In Court of Record, *&c.*

The Seſſions muſt likewiſe enquire of Offences againſt 5 *Eliz. cap.* 1. or forfeit each of them 100 *l.*

Any two Juſtices, *Quorum unus*, out of the Seſſions may require any perſon of eighteen years old indicted of Recuſancy, not coming to Church or to the Communion two years, or travelling the Country, *&c.* not being a Peer, *&c.* to take the Oath of Allegiance, and if he refuſe the ſame, or to anſwer upon Oath, they may commit him without Bail till the next Aſſizes or Quarter Seſſions, 3 *Jac. cap.* 4.

Any two Juſtices may require any perſons under the degree of Baron to take the ſaid Oath or commit them, 7 *Jac. cap.* 6. by which Statute likewiſe if ſuch perſon ſhall be preſented for not coming to Church, upon complaint to one Juſtice, he may require the party to take the ſaid Oath, or commit him without Bail till the Aſſizes, *Ibid.*

Perſons reconciled to the Pope, returning into the Realm within ſix days after, ſhall ſubmit to his Majeſty before two Juſtices, who ſhall certifie the ſame to the Seſſions, and adminiſter them the Oath of Allegiance and Supremacy, or for the default pay 40 *l.* They may likewiſe receive the Submiſſion of any Subjects, (except Jeſuits) brought up in Seminaries within ſix Months after their arrival, 37 *Eliz. cap.* 2.

If a Feme Covert (not a Baroneſs) convict of Recuſancy ſhall not within three Months repair to Church, *&c.* Two Juſtices, *Quorum unus*, may commit her till ſhe conform, or her Husband pay 10 *l.* a Month, *&c.*

Church-wardens, *&c.* ſhall once every year preſent the Monthly abſence from Church of Popiſh Recuſants, the Names of their Children, *&c.* and other their Servants, to the Quarter Seſſions or loſe 20 *s.* &c. 3 *Jac. cap.* 4.

Every perſon going beyond Sea to ſerve any Foreign Prince, *&c.* and not taking the Oath before the Cuſtom Maſter ſhall be adjudged a Felon. A Gentleman, *&c.* which hath been a Captain, *&c.* going out of the Realm on ſuch Service ſhall be bound in 20 *l.* not to be reconciled, *&c.* or be a Felon, which Bond and Oath ſhall be certified, *&c.* or forfeit, *&c.* 3 *Jac. cap.* 4. The Branch of Treaſon in reconciling, *&c.* ſhall be proceeded upon in the *Kings-Bench*, Aſſizes, *&c. Ibid.* See the Penalties of conveying a Child beyond Sea into any Colledge, *&c.* or to ſend them any Mony, *&c.* 1 *Jac. cap.* 4. 3 *Jac. cap.* 5. 3 *Car. cap.* 2.

All Armour, Gun-powder, &c. in the Houſe of any Popiſh Recuſant or elſewhere, by his diſpoſition, ſhall be taken away by the Warrant of four Juſtice in the Quarter Seſſions,

ſions, other than Arms neceſſary to be kept at the coſt of ſuch Recuſants where the Juſtices ſhall appoint, 3 *Jac. cap.* 5. And if ſuch Recuſant ſhall refuſe to declare to them where their Armour is, or hinder its delivery to ſuch Offender ſhall be impriſoned without Bail for three Months by the Warrant of two Juſtices, *Ibid.*

No Recuſant Convict ſhall come to the Kings Court, &c. on pain of 100 *l.* or be committed: But a perſon hearing Divine Service in his Houſe, and going to Church four times a year ſhall incur no penalty, *Ibid.*

Two Juſtices may at any time ſearch the Houſes of Recuſants Convict, or of ſuch whoſe Wife is ſo, for Popiſh Books, Relicks, &c. which they ſhall deface, &c. *Ibid.*

Recuſant in *London*, or within ten Miles of it being convicted, and not coming to Church, ſhall give his Name to the Lord Mayor, and depart within ten days, or forfeit 100 *l. Ibid.*

No Recuſant Convict ſhall practiſe the Common or Civil Law, or Phyſick, or as an Apothecary, &c. nor bear any Office, &c. and pay 100 *l.* &c.

Recuſant Convict ſhall be reputed excommunicated till Conformity, and it may be pleaded in his diſability in all Actions, &c. 3 *Jac. cap.* 4.

Recuſant Convict married otherwiſe than according to the Orders of the Church of *England* ſhall be diſabled to be Tenant by the Curteſie; And a Woman ſhall loſe her Dower, Joynture, &c. 3 *Jac. cap.* 5. If a Recuſant baptize not his Child at Church, &c. ſhall forfeit 100 *l. Ibid.*

If a Recuſant not excommunicated be not buryed in the Church or Church-yard, the Executor ſhall forfeit 20 *l.*

No Recuſant Convict ſhall preſent to any Eccleſiaſtical Living, but the Univerſities ſhall preſent, *Ibid.*

No Recuſant Convict ſhall be Executor, &c. or be Gurdian to, or have the Cuſtody of, any Child, &c. but the next of Kin, &c. *Ibid.*

If any perſon have any *Agnus Dei*, &c. offered to him, and ſhall diſcloſe the ſame to any Juſtice, ſuch Juſtice within fourteen days ſhall diſcover it to the Privy Council, or incur the danger of a *Præmunire*, 13 *Eliz. cap.* 2.

If any perſon ſuſpected to be a Jeſuit, &c. ſhall refuſe to anſwer the ſame to any having Authority to examine him, ſuch Examiner may commit him without Bail till he anſwer, 35 *Eliz. cap.* 2.

Whoſoever firſt diſcovers to a Juſtice of the Peace any Perſon entertaining any Jeſuit, &c. or any Maſs or any preſent thereat, &c. within three days, by reaſon where-

of any ſuch Offenders ſhall be convicted ſhall have the third part of the Forfeiture, if it exceed not 150 *l.* Or if it be above he ſhall have 50 *l.* &c.

No Perſon ſhall bring from beyond the Seas, nor print, ſell, or buy any Popiſh Primers, *&c.* upon pain of 40 *s.* every Book, *Ibid.* and 3 *Jac. cap.* 4.

If any perſon be convict of ſaying Maſs he ſhall forfeit 200 Marks and be committed for one year. If any ſhall willingly hear Maſs he ſhall forfeit 200 *l.* and be impriſoned for a year, 23 *Eliz. cap.* 1.

Recuſants confined may be licenced by four Juſtices with the privity of the Biſhop, *&c.* to travel, *&c.* 35 *Eliz. cap.* 2. 3 *Jac. cap.* 5.

In pleading ſuch Licence he muſt ſhew that he hath taken the Oath of Allegiance, and that the Cauſe of it is true, that it was granted by the Biſhop or Lieutenant, *&c.* and if the ſame perſon be Juſtice and Lieutenant it will not ſerve, *Moor Rep.* 836.

A Woman being a Recuſant Convict (her Husband not being convicted) and which ſhall not conform a year before his death, ſhall forfeit to the King two parts of her Joynture or Dower, and be diſenabled to be Executrix or Adminiſtratrix to her Husband, 3 *Jac. cap.* 5.

Perſons refuſing to ſubſcribe the Declaration, 1 *W. & M. cap.* 26. when lawfully tendred by two Juſtices of Peace diſabled to make Preſentations, *&c.* to Benefices.

See the Statute of 30 *Car.* 2. *cap.* 1. concerning the Peers and Members of Parliament taking the Oaths of Allegiance and Supremacy.

See the Statute of 1 *W. & Mar. cap.* 18. concerning Diſſenters exempted from Penalties.

See after amongſt the Preſidents *Tit.* Conventicles and Diſſenters.

CHAP. CVIII.

Reſtitution.

IF one be robbed of 100 *l.* in Mony, and purſue the Felon, and him attaint, he ſhall Reſtitution of the Mony, *Savil* 20.

CHAP.

CHAP. CVIX.

Riots, Routs and unlawful Assemblies.

AN unlawful Assembly is, when three or more meet in one place armed in an unusual manner, or with an intention to commit with violence some unlawful Act which is *malum in se*, and not only so, but *malum prohibitum*, And that such their intention be declared by them either by Words or Overt Acts. *Unlawful Assembly.*

A Riot is when being met together they set forward in order to the Execution of such Design. *A Riot.*

A Rout is when they actually put it in Execution. By the Statutes of 1 *Mar. cap.* 12. and 1 *Eliz. cap* 16. If above the number of two and under twelve assembled together, shall go about unlawfully to kill any Subject, cast open any Inclosures, or to destroy any Deer, *&c.* And shall not depart upon Proclamation made, but afterwards attempt to commit the said Offences, every of them shall suffer Imprisonment for one year without Bail. *A Rout.*

If divers Persons are assembled, and it be not known to what end and purpose they are met, this can be no Riot nor Rout, until their unlawful intent therein be known. *What things make a Riot.*

If a Master (minding to commit a Riot) shall take with him his ordinary Servants, and some unlawful Act be done by them, this shall be no Riot, because the Master did not make his Servant privy to his design beforehand.

If divers Persons be lawfully assembled, and make an Affray amongst themselves on a sudden, this is no Riot.

If several Persons be gathered together, to put in Execution any part of the Law, or for the Exercise of their Valors, or Tryal of Activity, *&c.* this is no unlawful Assembly.

If Stage-Players shall occasion an unusual and extraordinary Concourse of People, to see them act their Tricks, this is an unlawful Assembly and a Riot, as it was held by the Lord Chief Justice *Co. M.* 12 *Jac.* 2 *Rep. f.* 109. *Roll.* 109.

To meet together and play at any Game prohibited by Statute only, is no Riot.

If a great number of People detain the possession of a House with force, this is a Riot.

What ſhall be ſaid to be no Riot.

Any perſon in a peaceable manner may aſſemble a convenient number of People to abate a Nuſance.

If a man erects a Ware croſs a River over the which the People have a common Paſſage with Boats, *&c.*

If any perſon ſhall come with convenient Inſtruments, as Spades and Crows of Iron, *&c.* to remove this Ware, it is no Riot, no, though they cut a Trench in the Land of ſuch perſon as erected the Ware, thereby to remove the Nuſance: But they muſt be ſure to avoid any threatning Words or Breach of the Peace.

No Perſon may go in Company to the Church, Fair or Market, *&c.* with any unuſual Weapon to the Terror of the People, though he hath no intent to fight, *&c.* for this will be a Riot by the manner of going ſo, 2 *Ed.* 3. *cap.* 3. But to wear privy Coats of Mail, Shirts of Mail, *&c.* with intent to defend themſelves againſt ſome Adverſary ſeems not to be puniſhable, for that nothing is done in *terrorem populi*, *Crompt.* 64.

Lord of a Copy-holder did enter with twenty Perſons to cut his Copy-holders Corn, becauſe he would not compound with him for it, and this was held to be a Riot in reſpect of the number and force, though his Entry were lawful.

Any one Juſtice alone may uſe his beſt endeavour to prevent a Riot or Rout, and alſo to ſtay it whilſt it is doing.

How Riots ſhall be ſuppreſſed.

And to this purpoſe he may impriſon the Rioters, or bind them to the Good Behaviour; but being committed, one Juſtice can no otherwiſe puniſh it than as a Treſpaſs or againſt the Peace, or upon the Statute of *Northampton*, or of Forceable Entries, *See the Title* Riots.

But one Juſtice ſitting in a Judicial place, may arreſt Rioters and make Record thereof which ſhall be concluſive; Out of a place of Judicature he may arreſt, record and certifie the Riot to the Seſſions, but it is traverſable, *Cro.* 41. *Cromp.* 65.

If a Juſtice pretending a Riot where in truth none was, the Party may have Treſpaſs againſt him, *Fitz. Juſt.* 9. See *Bro. Jud.* 2. 10. *contra.*

If the Statute of 13 *H.* 4. *cap.* 7. *for ſuppreſſing Riots*, be not duly executed the two next Juſtices to the place, ſhall forfeit 100 *l.* a-piece, and every other Juſtice in the County in whom there is any default, ſhall be fined, *Dyer* 2. 10, *Lamb.* 321. *See Title Armour and forceable Entry.* And the Juſtices which ſhall firſt ſee the Riot, for not arreſting the Offenders is puniſhable.

Infor-

Information againſt two Juſtices for not inquiring of a Riot, found againſt of them, good, *Stile* 245.

One Juſtice by the Statute 1 *M. cap.* 12. 1 *Eliz. cap.* 16. may make Proclamation in the Kings Name for all Perſons riotouſly aſſembled, to depart, *&c. P.* 16, 27.

One Juſtice likewiſe (by the firſt *Aſſignavimus* in the Commiſſion) may cauſe to be kept all Statutes made for ſuppreſſing of Riots, Force and Violence.

If any two Juſtices of the County ſhall put in Execution 13 *H.* 8. *cap.* 7. that ſhall excuſe the two next Juſtices; if the two next Juſtices come (though the Sheriff be abſent) and arreſt the Rioters, ſuch Juſtices ſhall be excuſed from the ſaid Forfeiture of 100 *l. Lamb.* 321, 322. *Quære*, if the other Juſtices of the County ſhall be excuſed from the ſaid penalty.

Two Juſtices after the Riot committed (though no Sheriff be preſent, as it ſeemeth) ought to enquire of the Riot, and if it be found to Fine and Impriſon the Rioters, *Cromp.* 67. *b.* But it is held by ſome, that the Juſtices cannot Record the Riot upon view, without the Sheriff, and thereupon (without enquiry) Fine and commit, *&c.* Others are of Opinion to the contrary, becauſe the Statute of 34 *Ed.* 3. *cap.* 1. inables two Juſtices to Impriſon and Fine Rioters without enquiry; and therefore (ſay they) they ought by conſequence to Record the Riot. See *Lamb.* 291, 292.

A Fine upon Rioters cannot be leſs than ten pounds for the Principal, and four marks a-piece for the reſt, *Stile* 303.

But it is the ſafer way for the Juſtices to certifie the Record into the *Kings Bench*, where the Offender ſhall be fined; but to wave any farther Debate, any Power of Juſtices alone, we come now to ſhew you how they muſt proceed in conjunction with the Sheriff to execute this Statute of 13 *H.* 4. *cap.* 7. and that upon the penalty of 100 *l.* a-piece.

They muſt go to the place where the Riot ſhall be, if they be able, and take with them (if need be) the Power of the County, *viz.* Knights, and other Temporal Perſons under that degree above the age of fifteen, and able to travel, which ſuch Perſons are obliged to perform upon pain of Impriſoment, and to make Fine and Ranſom to the King, this Ranſom is at leaſt treble ſo much as the Fine, *Dyer* 232. *Sed vide Co. Lit.* 127. That Fine and Ranſom are all one, *vide* 2 *H.* 5. *cap.* 8.

They

They muſt Arreſt all Offenders there preſent, and remove the Force by committing all Rioters, and taking away of their Weapons. All Perſons in Company of the Rioters may be likewiſe arreſted, *&c.* All Perſons whom the Juſtices ſhall meet coming thence Riotouſly arrayed, may be likewiſe arreſted, *&c.* But no Riot can be recorded to be done by them, becauſe not in the view of the Juſtice, *Mar. Lec.* 8. *Cromp.* 63. Otherwiſe it is of thoſe which Eſcape, for it may be recorded againſt them, yet they cannot be arreſted except it be done preſently, neither can they be fined, or any Proceſs be awarded againſt them upon that Record; or the Record it ſelf be kept amongſt other the Records of the Peace, but ſent to the *Kings Bench*, &c. *Lamb.* 312.

If after the ſight of the Riot, the Riotors Eſcape, and the Juſtices and Sheriff having recorded the Riot, one of the Juſtices or Sheriff be put out of Commiſſion or dies, yet ſhall the ſame be certified in the *Kings Bench* by the Survivors, *Lamb.* 320.

Otherwiſe if this ſhall happen after the Inquiry, and before the Certificate, for then it ſhall be certified by *Certiorari*, as by *Bro. Rec.* 17, 64. *Lamb.* 320. The Juſtices likewiſe may grant their Warrants for ſuch as they ſaw committing the Riot (though they are eſcaped) and commit them to Gaol till they find Surety for the Good Behaviour. The like Law if they be departed before the coming of the Juſtices; or rather in ſuch caſes they may proceed againſt them by inquiry, and fine them, *&c.* 34 *Ed.* 3. *cap.* 1.

Juſtices in execution of the Arreſt of Rioters, *&c.* may juſtifie the beating, wounding, nay killing of them which reſiſt; and taking their Weapons, *&c.* to be appraiſed and anſwered to the King as forfeited.

After the Arreſt the Juſtices and Sheriff, *&c.* ſhall record in Writing the ſaid Riot, (*ſcil.* all which they ſaw done againſt Law) without other Inquiry, which Record ſhall be a ſufficient Conviction; if the Juſtices do not ſee, the Riot they cannot make a Record, but inquire thereof.

So if two Juſtices and the Sheriff, *&c.* meet for any other cauſe, and a Riot happen before them, they may Record, Arreſt and Impriſon, *&c.* and if they Record a Riot, and it appear to be none, yet the parties are concluded, 9 *H.* 6. *f.* 60. *Bro. Judg.* 2. *Fitz. f.* 17.

The ſaid Juſtices of Peace (and none other) ſhall commit ſuch Offenders to the Gaol, there to remain convict by their

their View, Teſtimony and Record, as in caſe of (Forceable Entry) till they pay a Fine to the King; This Commitment ought to be preſently, and the County to be aiding to the Sheriff to commit them.

The ſaid Juſtices (and none other) ſhall aſſeſs the Fines, 8 *Co.* 40. Theſe Fines by the Statute of 2 *H.* 5. *cap.* 8. That thereout the Charges of them, and other Officers might be born; the payment whereof ſhall be made by the Sheriff by Indenture betwixt him and the Juſtices, *Lamb.* 312. 5. 57. ſuch Fine muſt be aſſeſſed ſeverally, 11 *Co.* 43, 44.

Although the words of the Statute are, that the ſame Juſtice (which came to ſee the Riot) ſhall enquire; yet any other two Juſtices of that County may do it; and if it be not done within the month each of them is in danger to loſe his 100 *l.* but yet if it be done afterward the Preſentment is good.

And if the Juſtices charge the Jury within one month, and give them one day to preſent afterwards, the Statute is fulfilled; Grand Riots are to be enquired of on the penalty of an 100 *l.* within the month, otherwiſe it ſeems of Petty-Riots.

At the enquiry though the Sheriff, *&c.* muſt be preſent, yet he is but a Miniſter to return the Jury, otherwiſe it is in arreſting Rioters and recording them.

If the Juſtices, Sheriff and Jury do aſſemble within the month to enquire of a Riot, and (the parties being agreed) no one will give any Evidence for the King; yet the Juſtice muſt proceed *ex officio*, for it may be ſome of the Jury might know of the Riot.

Beſides Proclamation ſhould be made, That if any will give Evidence for the King, *&c.* they may come in, *&c.* Beſides, the Juſtices (for want of Evidence) may bind ſuch Perſons to the Good Behaviour, as firſt made complaint to them of the Riot, and were the cauſe of their meeting.

After Inquiry, and the Riot found the Juſtices muſt make out Proceſs (*ſc. Venire facias*) againſt the Offenders, under their own *Teſte* to bring them in, and then Fine and Impriſon them for the ſame, and when they pay or give Sureties for the ſame by Recognizance, then they may releaſe them; otherwiſe they muſt take their Traverſe, (if the Riot were not within their view) and if they appear Not Guilty, then diſmiſs them, or elſe ſend the Indictment and traverſe to the next Quarter Seſſions or Kings Bench to be determined, *Lamb.* 3. 15. *Pul. de P.* 30.

By

By the Statute of 2 *H.* 5. *cap.* 8. The King is to bear the Charges of the Juſtices which ſhall execute the Statute of Riots, *ſc.* for their Diet, Sheriffs Fees, the Jury, *&c.* which may be paid by the Juſtices out of the Fines of the Riot. The Clerk of the Peace may be likewiſe paid thereout, or elſe he may take of every Offender twelve pence, as the uſage is. The Juſtices may be paid by the Sheriff by Indenture between them, which ſhall be allowed in the *Exchequer*.

If the truth of a Riot cannot be found (being hindred by the perverſeneſs of the Jurors, or Imbracery of others) then the Juſtices, *&c.* muſt certifie to the *Kings Bench* ſo much of the Fact, and the Names of the Offenders and Imbracers, with the time, place and other circumſtances, and impediments which ſhall come to their knowledge, 19 *H.* 7. *cap.* 13. *Lamb.* 318. And this Certificate muſt comprehend certainty, *&c.* becauſe 'tis in the nature of an Indictment, and may be traverſed.

If the two next Juſtices go to ſee the Riot, any other two may make the inquiry, and any two Juſtices of the County may certifie it within the month.

If there be twenty parties to a Riot, and the Jury find but ten of them Guilty, yet the Juſtices may certifie that the whole twenty committed it, and this ſhall ſtand good; alſo if any thing material be omitted in the Inquiſition it ſhall be ſupplied by this Certificate.

Upon the default of the two next Juſtices, Sheriffs, *&c.* of this Statute, the party grieved may have a Commiſſion out of *Chancery* to enquire as well of the Riot as of ſuch Defaulters, 2 *H.* 5. *cap.* 8.

If the Riot be notorious, the Lord Chancellor may Iſſue out a *Capias* to the Sheriff for apprehending the Offenders; and if need be a Writ of Proclamation to render themſelves into the *Kings Bench* at a certain day, *&c.*

Note, That for ſuffering of Riots in Corporations, the Franchiſes may be ſeized, or the Corporation fined, as in Dr. *Lambs* Caſe, *Paſch.* 8 *Car.*

CHAP.

CHAP. CX.

Robbery.

ROBbery is the Felonious taking of any thing from the Perſon of another, or in his preſence againſt his will, either in the High-ways or elſewhere, and thereby putting him in fear, *Dyer* 824. *Stamf.* 17. which diſtinguiſhes a Robber from a Cut-purſe.

But the bidding of one to ſtand and yield his Mony is no Robbery, for there was but an intent, and no act done in purſuance of it, 9 *Ed.* 4. *f.* 28. *Stamf.* 29.

One with his Sword drawn bids me deliver my Purſe, and after prays me to give him a penny, and I do ſo accordingly, this ſeemeth to be Robbery, for the fear he put me in was the cauſe thereof, *Crom.* 34. So if I flying from a Thief caſt my Purſe into a Buſh, and he takes it up, this is Robbery, for the fear, *&c.* was the cauſe of throwing it there, *Crom.* 35.

If a Thief bids me deliver my Purſe, which I do, and he finding but 2 *s.* in it, gives it me back again, this is Robbery though no force be uſed, *Crom.* 34.

A Thief compels me to ſwear that I will bring him a Sum of Mony to ſuch a place at another time, or elſe he will kill me, and I bring the Mony, *&c.* this is Robbery, 44 *Ed.* 3. 14. 4 *H.* 4. 3. *Stamf.* 27.

A Thief takes away my Goods in my preſence, or drives my Cattle out of my Field, I look upon him, this is Robbery if I be put in fear thereby, though no Aſſault be made, *Stamf.* 27. *Lamb.* 365. *P. R.* 131.

Three Robbers take Perſons in one Hundred and rob them in another, the Action ſhall be in the firſt, 1 *Sid.* 367.

If any thing be taken from a Perſon on the High-way without putting him in fear, this is no Robbery, *Dyer* 2, 14.

Seiſure of Goods in the day, and the Robbery in the night is within the Statute to recover againſt the Hundred, 1 *Syd.* 263.

If two Thieves attempt to rob me, and I fly, and one of them purſue me, and his Companion in the mean while rob another that is paſſing, this is Robbery in both, though it was done out of the ſight of the other, *Pudſeys* Caſe, 28 *El. Cromp.* 84.

Cutting of a Purſe, picking of a Pocket ſecretly and privily is no Robbery.

The

The Party robbed to intitle him to an Action againſt the Hundred, muſt obſerve theſe things following. (1) He muſt give notice (with convenient ſpeed) to the next Village, &c. or to ſome Perſon inhabiting near the place where the Robbery was committed. (2) He muſt commence his Suit after forty days, and within one year of the Robbery done. (3.) He muſt be examined upon Oath before a Juſtice of the Peace whether he knew any of the Robbers.

Note, If the Servant or Carrier, *&c.* be robbed, either of them muſt make the Oath, *&c.* before the Juſtice, and not the Owners of the Goods; and if the Servant or Carrier refuſe ſo to do, the Owner hath no remedy.

Note, Alſo Man may be ſworn in his own cauſe, *viz.* how much Mony his Servant had.

If the party ſworn know any of the Robbers, the Juſtice ought to bind him to proſecute by Indictment or otherwiſe, 27 *Eliz. cap.*13. *Co. Lit.* 7. *f.*7. *Plow.* 128.

If the Robbers be not apprehended within forty days after notice, the Hundred is chargeable; if the Robbery be done in the Diviſions of two Hundreds, both are to anſwer the Damages, and ſo are alſo the Franchiſes within them.

If the Party robbed hath his Recovery and Execution againſt one or few Perſons of the Hundred, upon complaint two Juſtices (*Quorum unus*) inhabiting in or near the ſaid Hundred may aſſeſs a Tax proportionably on every Town, Pariſh or Hamlet, as well of the ſaid Hundred, as alſo of Liberties within the ſame towards the relief of the parties charged, which Sum ſo taxed, the Conſtables of every Town, *&c.* within their reſpective Limits ſhall totally and proportionably aſſeſs upon every Inhabitant within the ſame. If any Inhabitant refuſe to pay, *&c.* the Conſtable may diſtrain and ſell the diſtreſs, and muſt deliver the Mony to one of the ſaid Juſtices within ten days after Collection, 27 *Eliz.* 13.

It ſeemeth a Perſon coming thither after the Robbery committed is a refuſal againſt this Contribution.

The Inhabitants of another Hundred (though in another County) wherein was default of freſh Sale after Huy and Cry made, ſhall anſwer one moiety of the Sum of Mony and Damages recovered againſt the Hundred where the Robbery was done, and ſuch moieties ſhall be recovered in the Name of the Clerk of the Peace (without naming his

his Chriſtian or Sirname) where ſuch Robbery and Recovery was, and his death or removal ſhall not abate the Suit, and if it be recovered, *&c.* againſt one or few, *&c.* the ſame courſe ſhall be taken as aforeſaid towards the relief of the Perſon charged.

A Robbery upon a Man in his Houſe, whether by day or by night, ſhall not charge the Hundred, *Co. Lit.* 7. *f.* 6.

The Hundred is not anſwerable for a Robbery done in the night, but if it be by day-light, whether before or after Sun ſetting and before Sun riſing the Hundred is liable, *Ibid.* 2 *Cro.* 106.

The Puniſhment of this Offence is death without Clergy. The Party robbed hath his Action againſt the Hundred.

The apprehending of one Robber diſcharges the Hundred, though the reſt eſcape, but a purſuit alone does not, *Ibid.* If the party robbed apprehend any of the Thieves, this ſhall excuſe the Hundred, *Co.* 179.

But if on the Lords-day the Hundred ſhall not be charged, but the Inhabitants ſhall make purſuit according to 27 *Eliz.* on Forfeiture of as much Mony as was loſt, 29 *Car.* 2. *cap.* 7.

Such as apprehend and proſecute till Conviction any one that committed a Robbery in any High-way, Paſſage, Field, or open place, ſhall have within one month after ſuch Conviction of the Sheriff of the County where the Robbery was 40 *l.* upon the Certificate of the Judge or Juſtices before whom ſuch Felon was convicted, Stat. 4 & 5 *W.* & *M.*

And if any one be killed in taking ſuch Robber, he that has right to his Adminiſtration ſhall have 40 *l.* and he that takes proſecutes and convicts ſuch Robber ſhall have his Horſe, Furniture and Arms, Mony and other Goods that ſhall be taken then with the ſaid Robber, unleſs they were before feloniouſly taken from other Perſons, 4 & 5 *W.* & *M.*

CHAP.

CHAP. CXI.

Rogues, Vagabonds, &c.

ANY one Juſtice may cauſe all Rogues and Vagabonds which are taken begging, *&c.* to be ſtript naked upwards, and whipt till they bleed, after which he ſhall make a Teſtimonial under his Hand and Seal, teſtifying the ſame, *&c.* with the place whether they are to go, and the time, &c. 39 *Eliz. cap.* 3. 21 *Jac. cap.* 28.

All Rogues, *&c.* ſhall be forthwith conveyed from Pariſh to Pariſh (by the Conſtable, *&c.*) to the place of their Birth or laſt Dwelling, or the place from whence they laſt came, there to be ſet to hard Labour, or to the Houſe of Correction till ſuch time as they be placed in Service for a year, or if not able, in ſome Alms-Houſe in the County, *Ibid.* and 3 *Car. cap.* 4. 2 *Bulſt.* 357.

Where a Rogue doth confeſs the place of his Birth to be *D.* whither he is ſent, and it appear afterward to be *S.* he ſhall be removed thither; If he will not name any place, he ſhall be ſent to the place where he was laſt ſuffered to paſs, and puniſhed, and his Children to be maintained by his Labour.

A Vagabond. *Vagabundus qui errat per Mundum, ſine re, ſine ſpe, ſine fide, ſine ſede,* is one which hath no ſetled Habitation, but liveth idly and loitring.

A Rogue, *Qui oſtiatim rogat,* is an idle Beggar wandring from place to place without a lawful Paſs-port.

A Beggar, *Mendicus quaſi manu dicens. Egenus ſilentio manum extendit.*

The two firſt of theſe ſeem to be all one, and they are Rogues, *&c.* though they beg nothing.

A Perſon which goes from place to place ſelling ſmall Wares, though he have an Habitation, is puniſhable by 39 *Eliz.* and if he wander, though he be not taken wandring, he is an Offender, 2 *Roll Rep. p.* 172.

More particularly the Perſons here under-mentioned being above ſeven years old, are to be adjudged and puniſhed as Rogues.

1. All Perſons going about begging, not licenced thereunto according to Law.

2. All Fortune-tellers, Juglers uſing any crafty Science or unlawful Games.

3. All

3. All Proctors, Patent-gatherers or Collectors for Gaols, Priſons or Hoſpitals wandring abroad.

4. Fencers, Bearwards, Common Players of Interludes, and Minſtrels wandring abroad, 1 *Jac.* c 7. 21 *Jac.* c. 28.

5. Pedlers, Petty-Chapmen, Tinkers and Glaſs-men, if unknown or without a Teſtimonial, *Ibid.*

6. All Wanderers and Common Labourers refuſing to work for reaſonable Wages, and having nothing to maintain them wandring without their own Pariſhes.

7. Poor Perſons licenced to beg in their own Pariſhes, if they either beg without the ſame, or otherwiſe than they are appointed, or by the High-ways, though in the ſame Pariſh, 39 *Eliz. cap.* 3. *Lamb.* 427. And yet theſe Perſons muſt not be ſent to the place of their Birth, or out of Town, except to the Houſe of Correction. *Quære*, Of Beggars without Licence.

8. Perſons pretending themſelves to be *Egyptians*, or wandring in their Habit, not being Felons.

9. Souldiers or Mariners, who ſhall beg (not licenced) or which ſhall counterfeit any Certificate, *&c.* and not being Felons, 43 *Eliz. cap.* 3.

10. Impotent, going to the *Bath*, if they beg though licenced, or not returning though licenced, 39 *Eliz. cap.* 4.

11. A Rogue which hath been Whipt, if after he perform not his Teſtimonial, or if he Travel by general Paſſport not directed from Pariſh to Pariſh, or without a Guide.

12. Servants departing out of Service from one Pariſh to another without a Teſtimonial, or with a forged one, 5 *Eliz. cap.* 4.

13. Perſons infected, *&c.* going abroad contrary to the Commandment of an Officer, 1 *Jac. cap.* 11.

14. Such as ſhall run away, and leaving their Children to the Pariſh, or threaten to do the ſame, being able to labour, 21 *Jac. cap.* 28. but they muſt be dealt withal by two Juſtices, 1 *Jac. cap.* 7.

Children under ſeven years old are not Rogues within the Statute, and muſt be ſent to their Parents, not to the place where they were born, 39 *Eliz. cap.* 4.

The Wife being a Vagrant muſt be ſent to her Husband, though a Servant.

In all theſe caſes where Vagabonds are ſent, by Teſtimonial of a Juſtice, *&c.* he may not licence them to beg by the way, but where a Licence is given by the ſhipwracked Souldiers or Mariners, they may ask and receive Relief, 39 *Eliz. cap.* 4.

Incorrigible Rogues are ſuch as are either dangerous to the inferior ſort of People, or ſuch as will not be reformed of their roguiſh kind of life. Of which ſort are.

Such as having been puniſhed and ſent to the place of their Birth ſhall fall to their roguiſh kind of life again.

One that affirms that he was born in ſuch a Town by means whereof he is ſent thither, when in truth he was born at another place. The ſame Law if he miſs the Name of the place of his laſt abode, and be ſent thither.

All Perſons able to labour, and leaving their Families to the Pariſh to be maintained, or threatning to do the ſame, are ſturdy Rogues.

All Perſons which ſhall hinder the execution of the Stat. of 39 *Eliz. cap.* 4. concerning the puniſhment of, *&c.* Rogues, ſhall forfeit for every ſuch Offence 5 *l.* to be levied by diſtreſs, *&c.* and be bound to the Good Behaviour by two Juſtices.

Within which Statutes are theſe Offenders and Offences following:

1. To ſend Rogues by a general Paſs-port, or not to convey them from Pariſh to Pariſh.

2. If a Conſtable, *&c.* ſhall not receive a Rogue conveyed to him according to the Statute, he ſhall forfeit 5 *l.* &c.

3. If a Conſtable which conveys a Rogue ſhall not deliver him to the next Conſtable.

4. If the Town, *&c.* to which ſuch Rogues ſhall be ſent, do not receive him.

Note, He is to be delivered to the Church-wardens or Overſeers, and if they refuſe him ſhall forfeit 5 *l.*

Any two Juſtices by their Warrant may levy by ſale of the Offenders Goods, all Fines appointed by 33 *Eliz. cap.* 4. 1 *Jac. cap.* 7. by Conviction of any Perſon for any Offence here-under named upon confeſſion or proof of two Witneſſes.

1. The Miniſter which ſhall not keep a Regiſter-Book, and enter therein the Teſtimonials, *&c.* every default 5 *s.*

2. The Conſtable which ſhall neglect to apprehend and puniſh, convey Rogues found in his Pariſh, every default 10 *s.*

3. Every Conſtable which ſhall not puniſh and convey Rogues brought to him from a Neighbour Pariſh, every Offence 20 *s.*

4. Every Perſon ſhall apprehend ſuch Rogues as he ſhall find begging at his Door, and convey them to the Conſtable, every default 10 *s.*

5. Every

5. Every Person which shall bring, &c. any Rogues, &c. out of *Ireland*, or the *Isle of Man*, shall forfeit for every Person so brought 10 *l.* which Fines and Forfeitures are to be imployed (at the discretion of two Justices) to the maintenance of the House of Correction, or relief of the Poor.

These Rules are observable upon the Statute made against Rogues.

1. No Pass is to be allowed for these wandring People, and such of them as have any, are yet to be punished as Rogues.

2. If any Alehouse-keeper, or other Person, shall lodge a Rogue, it's a relieving him contrary to the Statute of 1 *Jac. cap.* 7. and is a forfeiture of 10 *l.*

3. Giving Mony by a Constable to a Rogue is a relieving him within this Statute, and a forfeiture of 10 *l.*

The most part of the Justices of Peace, within their Divisions, ought to meet every year for the execution of the Statute of 7 *Jac. cap.* 4. against Rogues, &c. and four or five days before they meet, they ought to send their Warrants to all Constables within their Divisions to make privy search for all Rogues and idle Persons, and to bring them before them to be punished, or to send them to the House of Correction, &c. *Ibid.* 21 *Jac.* 28.

At the same Meeting all the said Constables shall give account (upon Oath) in Writing, and under the Hand of the Minister of the Parish, what Rogues they have apprehended and punished, and conveyed to the House of Correction.

The Justices at such Meeting may fine any Constable for his neglect in this Service, so as it be not above 40 *s.*

Any Justice of Peace may reward any Person for apprehending such Rogues as he shall bring before him, *viz.* By granting his Warrant to any Constable of a Parish through which such Rogue passed unapprehended, for payment of 2 *s.* for every Rogue so brought, &c. 1 *Jac. cap.* 7. See the Statute of 39 *Eliz. cap.* 4. for the rewarding of such Persons as apprehend Rogues or Beggars in the Confines of a County.

CHAP. CXII.

Observing the Lords day.

NO Carrier, Wagoner, *&c.* shall by themselves or any other Travel upon the Sunday, or forfeit 20 *s.* for every Offence, 3 *Car. 1. cap. 1.*

This Statute gives the forfeiture but of one 20 *s.* for one Sabbath-day, although the driving be through many Parishes, and that Parish where the distress is taken shall have the benefit of it.

If any Butcher or other for him, by his consent, shall kill or sell any Victuals upon the Sunday, he shall forfeit 6 *s.* 8 *d. Ibid.*

Any one Justice or Major, *&c.* upon his own view of any the said Offences, or on proof by two Witnesses, or confession, may make his Warrant to any Constable, *&c.* to levy the said forfeiture by distress, *&c.* or they may be sued for in the Sessions, or in Court of Record in any City, *&c.*

Also these forfeitures shall go to the Poor of the Parish, but any Justice, *&c.* out of the forfeitures may reward the Informer or Prosecutor, not exceeding the third part of the penalty.

No Person shall be impeached after six months.

There shall be no unlawful Exercises, *&c.* used upon the Sabbath-day, *Vide Tit.* Games.

There shall be no Fairs, or buying or selling, upon the Sabbath-day, *Vide Tit.* Market.

If any Shoo-maker shall go with intent to sell any Boots, Shoos, *&c.* on the Sunday, he shall forfeit such Goods and 3 *s.* 4 *d.* for every pair of Shoos, 1 *Jac. cap.* 22.

If any Person of the age of fourteen years shall on the Lords day, or any part thereof do any worldly Labour, *&c.* except works of Necessity and Charity, he shall forfeit 5 *s.* for every Offence, 29 *Car.* 2.

No Person shall cry, shew forth, or put to sale any Wares, Fruit, Goods, *&c.* except Milk, before nine in the morning, or after four in the afternoon, on pain to forfeit the same.

No Drover, House-Couser, Waggoner, Butcher, Higler, or any their Servants shall Travel, or come to their Inns on the Lords day, or forfeit 20 *s.* every Offence.

No Person shall use or travel upon the Lords day with any *Horse*, except allowed by one Justice of the Peace so to do, or forfeit 5 *s.* for every Offence.

The

The Conviction muſt be before any Juſtice of the County, *&c.* or Chief Officer by View, Confeſſion or Proof by one Witneſs, who ſhall give Warrant to the Conſtables, *&c.* to ſeize and ſell the Goods ſhewed, *&c.* and to levy the Forfeiture by diſtreſs, or for want thereof put the party into the Stocks for two hours.

The Juſtices, *&c.* may reward the Informer out of the Forfeitures, not exceeding one third part.

This Act extends not to dreſſing of Meat in Inns, Cookſhops or Victualling-houſes.

Every Perſon to be impeached hereupon, muſt be preſented within ten days after the Offence.

If any Perſon travelling on the Sunday be robbed, the Hundred ſhall not be chargeable to him, but in default of him they ſhall be chargeable to the King for as much as might have been recovered againſt them.

If any Perſon on the Sunday ſerve or execute, or cauſe, *&c.* any Writ, Proceſs, Warrant, Order, Judgment, or —— (except in caſe of Treaſon, Felony or breach of the Peace) ſuch Service ſhall be void, and the Party liable for Damages as if no Suit, Writ, *&c.* had ever been made.

CHAP. CXIII.

Sacrament.

THE Juſtices (*Quorum unus*) out of Seſſions may take Information by the Oath of two Witneſſes againſt ſuch as ſhall deprave or ſpeak irreverently of the Sacrament, of the Body and Blood of our Saviour Jeſus Chriſt, againſt the Statute of 1 *Ed.* 6. *cap.* 1. and may bind the Accuſers and Witneſſes by Recognizances in 5 *l.* a-piece to give Evidence; ſuch Perſons as ſhall be found guilty, the Seſſions by word, or ſhall ſuffer Impriſonment and make Fine and Ranſom, *Ibid.*

The Offender muſt be preſented or informed againſt within three months after the Offence, *Ibid.*

The Juſtices may make Proceſs by two *Capias*'s, and *Capias utlagatum* into any County, and three Juſtices may Bail the Offender, *Ibid.* See the Statutes of 14 and 15 *Car.* 2. *cap.* 4. *Vide Tit.* Proceſs.

CHAP. CXIV.

Salt.

UPON the Lottery Act 5 & 6 *W.* & *M. Seſſ.* 5. *cap.* 1. from *March* 1694. to *May* 1697. Forein Salt to pay 3 *d. per* Gallon, above the preſent Duties, for Salt imported, allowance of 10 *l. per centum* for payment in ready Mony.

Inland Salt three half pence *per* Gallon.

Duties upon Salt to be managed by the Commiſſioners of the Exciſe.

All Makers and Proprietors of Salt and Rock Salt, to make true Entries with the Officers of the Quantities, made or taken out of the Pits, and then ſhall have a Warrant from the Officer to remove it, upon giving ſecurity of payment within ſix months, and allowance of 10 *l. per cent.* for preſent pay.

The Officers may ſeize all ſuch Salt which ſhall be conveyed away before Entry made, to be brought to the next Office and there detained, and if the Owner claims it not within ten days, then to be ſold by the Commiſſioners, *&c.* one moiety to his Majeſty, the other to the Seizor.

And if the Owner claim within ten days, and ſhall not make it appear before the next Juſtice of the Peace in the County where ſuch Seizure was, by the Oath of one or more Witneſſes, that the Salt was duly entred, and that there was a Warrant for carrying away the ſame, then it ſhall be forfeited and diſpoſed as aforeſaid, and he that carried or cauſed it to be conveyed away ſhall forfeit double the value.

The Juſtices (not concerned in making or ſelling Salt) at every *Eaſter* and *Michaelmas* Seſſions, ſhall ſet the Prices of Salt to be ſold by the firſt Seller for the next half year, and none to ſell above thoſe Prices, under the penalty of 5 *l.* and forfeiture of double the value, to be levied by diſtreſs and ſale of the Offenders Goods, one half to the King, and the other to the Informer.

No Perſon capable of acting as Chief Commiſſioner for collecting the Duties, till he hath taken before one of the Barons of the *Exchequer*, the Oaths appointed in the firſt year of *W.* & *M. For abrogating the Oaths of Allegiance and Supremacy*, and the Oath following.

You

You ſhall ſwear to execute your Office truly and faithfully without Favour or Affection, and ſhall from time to time true account make, and deliver to ſuch Perſon and Perſons as their Majeſties ſhall appoint to receive the ſame, and ſhall take no Fee or Reward for the execution of the ſaid Office from any other Perſon, than from their Majeſties, or thoſe whom their Majeſties ſhall appoint on that behalf.

The like to be taken by other Officers before two of the Chief Commiſſioners, or two Juſtices of the Peace of the place where he ſhall be appointed Officer. General Iſſue to be pleaded by the Defendant, and double Coſts.

No *Certiorari* ſhall ſuperſede Execution or other Proceeding upon any Orders made by the ſaid Chief Commiſſioners or Juſtices of Peace in purſuance of this Act.

CHAP. CXV.

Scavengers.

STAT. 2 *W.* & *M. Seſſ.* 2. *cap.* 8. From the fifteenth day of *December* 1690. all Perſons within the Pariſhes within the Weekly Bills of Mortality in *Middleſex* and *Weſtminſter*, and the Liberties thereof, and in *Southwark*, or in any Street, *&c.* compriz'd in the ſaid Weekly Bills, and in *Kenſington*, ſhall on every *Wedneſday* and *Saturday* ſweep and cleanſe all the Streets, *&c.* that the Dirt may be ready for the Scavenger, on pain to forfeit 3 *s.* and 4 *d.* for every neglect; and none ſhall lay or ſuffer to be laid any Sea-Coal-Aſhes, Duſt, Dirt, *&c.* in any open Street, Lane or Alley, before their own Houſes, or any publick Places, on the penalty of 5 *s.* and none ſhall lay any Aſhes, Dirt or Soil before the Houſes or Walls of any Perſons Inhabitants of the City, Pariſhes or Places aforeſaid, or before any Church, Church-Yard-Wall, or any of their Majeſties Palaces or Places, or ſhall throw, or cauſe to be thrown into any Common-Shewer or High-way within the Pariſhes and Places aforeſaid, or any Private Vault of any of the ſaid Inhabitants, any noiſome thing whatſoever, but ſhall keep the ſame in their reſpective Houſes, Yards or Back-ſides, till the Scavenger or other Officer come to take them away, on pain to forfeit 20 *s.* for every ſuch Offence.

The reſpective Church-wardens, and the Houſe-keepers, and other Keepers of *White-hall*, *Somerſet-houſe*, *St. James's*-

Houſe and *St. James's Park*, and the *Guard-Houſes* and *Stables*, *&c.* and the Uſhers, Porters or Keepers of Courts of Juſtice, and other Publick Places, ſhall ſuffer the like Penalties for Offences or Neglects done or ſuffered before any ſuch places.

None ſhall Hoop, Waſh or Cleanſe any Veſſels in any the ſaid Streets, Lanes or open Paſſages, nor ſhall ſet any Dung, Soil, Rubbiſh or empty Coaches to make or mend, or rough Timber or Stones to be ſawn or wrought, on the penalty of 20 *s.* for every Offence.

The Rakers, Scavengers, *&c.* ſhall every day in the Week, except Sundays and Holidays, bring Carts, and by a Bell, or otherwiſe, give notice of their coming and carrying away the Dirt, *&c.* daily, on pain to forfeit 40 *s.* for every Offence or Neglect.

Open Streets, Lanes and Allies now paved, ſhall be kept ſo at the Charge of the Inhabitants; and where Houſes are unoccupied at the Charge of the Owners, that is to ſay, Every Houſholder or Owner to amend the Streets, *&c.* before his own Houſe, *&c.* on pain to forfeit 20 *s.* for every Perch or Rod, for every default, and 20 *s.* a Week for every Week after till the ſame be amended.

One or more Juſtices of the Peace may view and inſpect New Ways made, or to be made, and if they find them fit to be paved, ſhall certifie the ſame to the next General Quarter Seſſions, where the Juſtices of Peace ſhall take ſuch Order for paving them as they ſhall think fit, and Owners and Inhabitants of Houſes now built, or hereafter to be built, adjoyning to any new Streets or Ways adjudged to be paved or amended, pave with Stone or Gravel, or otherwiſe amend the Ground before their Houſes and Buildings to the middle of the Way, and in default thereof ſhall forfeit 40 *s.* for every Perch not paved or amended, and the like Sum for every Week till it be paved, *&c.* and when paved, the like Sum as thoſe that ſhall not pave or repair open Streets, *&c.* by virtue of this Act.

Such ancient Streets, Lanes and Allies as by Cuſtom or order have been repaired in any other order or manner, ſhall hereafter be paved and maintained, as heretofore hath been uſed.

Within the Pariſhes of *St. Anne* and *St. James*, within the Liberty of *Weſtminſter*, Scavengers ſhall be choſen as by the ſaid Act is directed, and the Aſſeſſments for Scavengers, and ſuch like Officers, ſhall be aſſeſſed and rated according to the Cuſtom of the ſaid City, where it is

not

not otherwise provided by the said Acts; and the Receivers of such Monies to be accountable as by the said Acts, or otherwise by Law new Houses, now or hereafter to be built within the said Limits and Parishes, shall pay proportionable with others; and in all other Places and Parishes aforesaid, upon every *Monday* or *Tuesday* in *Easter* Week the Constables, Church-wardens, Overseers of the Poor, and Surveyors of the High-ways, calling such Parishioners as are usually present at chooſing Parish-Officers, shall appoint two Tradesmen of their Parish to be Scavengers for the next year, and till others be chosen, who within seven days after their Election, and notice thereof, shall take the Office upon them, on pain to forfeit 10 *l.* for every refusal; and in case of refusal, others shall be chosen within seven days, who shall take upon them the Office under the same penalty, the said penalties to be paid to the Surveyors of the High-ways, and employed towards the repairing the same, and to be levied by distress and sale of Goods by Warrant from a Justice of Peace; and for want of a distress or non-payment within six days after demand, and notice left at the Offenders House, the Offender to be committed till payment.

Within twenty days after the Election of the Scavengers, the Constables, Church-wardens, Overseers of the Poor, and Surveyors of the High-ways, calling to them the Inhabitants as aforsaid, shall settle a Tax according to the pound rate, for the next year, which being allowed by two Justices of the Peace, shall be quarterly paid by the Inhabitants upon demand, and in case of refusal shall be levied by distress and sale of Goods, and for want of a distress, by imprisonment till payment, if the Offender be not a Peer.

The Mony yearly assessed and collected for cleansing the Streets, shall be yearly accounted for by the Scavengers, to two or more of the next Justices of Peace within twenty eight days after the Election of new Scavengers, and what remains in their Hands shall be paid over to their Successors; and two such Justices may commit Scavengers refusing to account, till they make a true Account, and pay over, as aforesaid, what remains in their Hands.

The Scavengers shall have liberty by Order of the Justices at their Petit Sessions, or any two of them, to lodge their Dirt, *&c.* in such vacant and publick places near the Streets as shall be thought convenient, giving satisfaction to the Owners, and in case of unreasonable demands, the

Justices

Juſtices ſhall moderate the ſame, and Perſons agrieved by any Tax made by virtue of this Act, or by the determination of the Juſtices, *&c.* may have recourſe to the General Quarter Seſſions, whoſe determinations therein ſhall be finable.

And whereas there are many Common High-ways in the Pariſhes, which cannot be ſufficiently ſupported without the help of this Act; Be it enacted, That one or more Aſſeſs or Aſſeſsments upon the Inhabitants and Occupiers of Lands, *&c.* and Perſons uſually ratable to the Poor, ſhall from time to time be made and allowed by ſuch Perſons as the Juſtices at their Quarter Seſſions ſhall direct, and the Mony thereby raiſed to be employed and accounted for according to their direction, towards the ſupporting ſuch High-ways, ſuch Aſſeſsments to be levied by diſtreſs and ſale of Goods, in caſe of non-payment within fourteen days after demand, rendring the overplus, Charges deducted.

No ſuch Aſſeſsments to be made in any one year ſhall exceed 4 *d.* in the pound of the yearly value of Lands, *&c.* nor 8 *d.* for every 20 *l.* in Perſonal Eſtate.

New Sewers made ſince the twelfth year of King *Charles* II. in any of the ſaid Pariſhes, ſhall be ſubject to the Commiſſioners of Sewers; and the ſaid Commiſſioners may direct the making of New Sewers, and alter or take away any Nuſances therein, and any croſs Gutters and Channels in any of the Streets and Lanes in the ſaid Pariſhes.

Houſholders within the Weekly Bills of Mortality, whoſe Houſes adjoyn to the Street, from *Michaelmas* to *Lady-day*, yearly, ſhall hang out Candles or Lights from the time that it grows dark, till twelve a Clock at night, on pain to forfeit 2 *s.* for every default, except ſuch as ſhall agree to make uſe of Lamps, to be placed at ſuch diſtances as ſhall be approved of by two or more Juſtices of the Peace.

Every Truſs of old Hay bought or offered to ſale within the Weekly Bills of Mortality, between the laſt of *Auguſt* and the firſt of *June*, ſhall weigh fifty ſix pounds at leaſt, and between the firſt of *June* and the laſt of *Auguſt*, being new Hay of that Summers growth, ſhall weigh ſixty pounds, and being old Hay of any former years growth, ſhall weigh fifty ſix pounds, the Perſon offering any Hay to be ſold of leſs weight, to forfeit for every Truſs 1 *s.* 6 *d.*

No

No perſons ſhall ſuffer their Waggons, Carts, *&c.* to ſtand in any place within the weekly Bills of Mortality, laden with Hay or Straw to be ſold, from *Michaelmas* to *Lady-day* after two a Clock in the Afternoon, or from *Lady-day* to *Michaelmas* after three a Clock, on pain to forfeit 5 *s.* for every ſuch Offence.

The Juſtices of Peace in the places aforeſaid, within their reſpective Limits, may upon their own View, Confeſſion of the Party, or proof of one credible Witneſs upon Oath, convict perſons of the ſaid Offences; one Moiety of the Forfeitures to the Poor, and the other half to the Proſecutor; and in caſe of a Conviction by the View of a Juſtice of Peace, one half to the relief of the Poor, and the other half, if for a default of Payment, towards the repairing and cleanſing the Streets, to be paid to the Scavenger to be employed to that uſe, or otherwiſe to the relief of the Poor as aforeſaid; all the ſaid Penalties to be levied by Diſtreſs and Sale of Goods, by a Juſtices Warrant to the Conſtable, *&c.* and for want of a Diſtreſs, or in caſe of Complaint within ſix days after demand, or notice in Writing left at the Offenders Houſe by the Conſtable, *&c.* the Offender not being a Peer, ſhall be committed to the Common Gaol till payment.

The Wheels of Carts, Carriages or Drays within the ſaid places, where the Streets are paved, ſhall contain ſix Inches in the Felley, and ſhall not be wrought about with any Iron-work, nor drawn with above two Horſes after they are up the Hills by the Water-ſide. The Owners of Carts, *&c.* the Wheels whereof ſhall not be of that breadth, or ſhod with Iron, or drawn with above two Horſes as aforeſaid, ſhall forfeit 40 *s.* for every time ſuch Cart, *&c.* ſhall be uſed, for the uſes, and to be levied as aforeſaid.

This ſhall not extend to Country Carriages bringing Goods to the ſaid places, or carrying any Goods half a Mile beyond the paved Streets.

No perſons ſhall keep Swine within the Houſes or Backſides of the paved Streets, where the Houſes are contiguous upon pain of forfeiting the ſame to the uſe of the Poor of the Pariſh. And Churchwardens, Overſeers of the Poor, Conſtables, Beadles, Headboroughs and Tything-men may in the day time by Warrant from the Lord Mayor of *London*, or any Juſtice of Peace of the place, ſearch for Swine, and drive them away to ſell, the Mony to be delivered to the Church-wardens or Overeſeers of the Poor of the Pariſh for the uſe of the Poor.

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The cleanſing the Streets, Lanes and Pariſhes within *London*, and the Liberties thereof, ſhall be managed according to the ancient uſage of the City.

The Lord Mayor or any Alderman may upon his own knowledge or view in the general Quarter Seſſions make Preſentment of any ſuch Offence within the City and Liberties thereof; and the Lord Mayor and Juſtices of the City ſhall at the ſame Seſſions aſſeſs Fines for the ſame not exceeding 20 *s.* for every Offence, to be paid to the Chamberlain of *London*, for the uſe of the City.

In Actions, *&c.* commenced for what any perſon ſhall do in purſuance of an Act made in the 22*d* and 23*d* years of King *Charles* II. Entituled, *An Act for the better paving and cleanſing the Streets and Sewers in and about the City of* London, or this Act, the Defendant may plead the general Iſſue, and give the ſaid Act and the ſpecial Matter in Evidence. And if the Plaintiff or Proſecutor become Non-ſui, or ſuffer a Diſcontinuance, or a Verdict paſs againſt him the Defendant ſhall recover treble Coſts.

The High-ways leading from the Eaſt-ſide of *Clerkenwell-Green* to *St. Johns-Street*, ſhall be paved according to the direction of this Act.

CHAP. CXVI.

Seſſions.

THE Seſſions of the Peace is a Court of Record, holden before two or more Juſtices of the Peace, whereof one being of the *Quorum*; for the Execution of the Authority given them by the Commiſſion of the Peace, and certain Statutes and Acts of Parliament.

Anciently when the Seſſions of the Peace were to be kept was uncertain, and the Juſtices might appoint it at their diſcretion; but now it is ſetled by an Act made in 2 *H.* 5. *cap.* 4. which ordains that the Seſſions of the Peace ſhall be kept four times in the year, *viz.* in the firſt Week after the Feaſt of St. *Michael*; The firſt Week after the *Epiphany*, the firſt Week after the cloſe of *Eaſter*, and the firſt Week after the Tranſlation of St. *Thomas* the Martyr; and by the ſame Statute the Juſtices of one Bench and the other, and the Serjeants at Law were exempted from penalty of the Statute of 12 *R.* 2. *cap.* 10. as alſo of the Statute

tute of 2 *H.* 5. *cap.* 4. for not appearing at the Seſſions; but the ſix Weeks Seſſions are abridged by the Statute of *H.* 8.

By the Statue of 14 *H.* 6. *cap.* 4. it is ordained that the Juſtices of the Peace in *Middleſex* be diſcharged of the Penalty of the aforeſaid Statutes; Provided they keep their Seſſions twice a year, and oftner if need be, for Forceable Entry and Riots; yet notwithſtanding it ſeems they may keep their Seſſions four times in the year, and if but twice, thoſe times they hold them at muſt be ſome of the time mentioned and appointed in the Statute of 2 *H.* 5. *cap.* 4. As to the place 'tis not aſcertained by Law, only it muſt be within the County.

Juſtices of the Peace may keep their Seſſions, at which place of the County they will, if they be not reſtrained by a Statute, *Jenk.* 212. *pl.* 49.

An Order made at the Seſſions of the Peace is a Record, *March* 14.

If any thing be done in private Seſſions it ought to be returned to the Quarter Seſſions, *Styl.* 360.

All the Seſſions is but as one day, *Palm.* 44.

An Order of Seſſions may be good in part and void in part, The King againſt the Inhabitants of *Hilton.*

If the King ſhould make a place within the County, of it ſelf, and give them all Priviledges of the Juriſdiction, it will not be ſafe for the Juſtices of the ancient County to hold their Seſſions there, except the King by his Letters Patents reſerves ſuch a Power; If a particular Corporation within the County hath its own Juſtice, yet the Juſtices for the County may hold their Seſſions there, but cannot meddle with Matters ariſing within the ſaid Corporation, until it be forfeited by *Quo Warranto.*

If two Juſtices or more ſhall appoint their Seſſions to be holden in one Town, and two or more Juſtices in another Town at the ſame time, by the Opinion of Mr. *Lambert* and Mr. *Marrow*, they may be ſo held, and the Preſentments in both are good, but the Appearance of one is a diſcharge of Service of the other. But Mr. *Dalton* is of Opinion, that there is no Power given to hold more than one Seſſions at a time, and ſo their Authority being equal, and ſeeing no performance can be made by Priority of time, or Nature of the Service, that they are both void.

Theſe Seſſions ought to be warned by Warrant of two or more Juſtices *Quorum unus.*

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The Persons that ought to appear at Sessions are:

1. The Justices themselves, who shall return thither such Recognizances and Examinations as they have taken, and so the parties prosecuted and convicted or acquitted, and also decide such Difficulties as shall arise, and give Information touching persons, and things falling within their knowledge respectively.

2. The *Custos Rotulorum* must present himself, or his Deputy, the Clerk of the Peace with the Rolls of the Sessions, *&c.*

3. The Sheriff or his Deputy to receive the Fines, to return Jurors to examine Process, *&c.* He is commanded by the Commission to attend the Justices at all times, especially at the Sessions.

4. The Constables of Hundreds, and every other Officer to whom any Warrant is directed to make Return thereof.

5. The Gaoler shall bring thither such as have been sent to him by *Mittimus*, *Larcenies*, and such other Offences of which the Sessions do usually deliver the Gaoler, and also to deliver a Kalender of such as are in his Gaol, and to receive such as may be there committed to his Charge.

6. The Governour of the House of Correction to give in a Kalender of such Rogues, *&c.* as have been committed to his Custody; In default hereof he is finable by 7 *Jac. c.* 4.

7. All Jurors returned by the Sheriff by virtue of the said precepts.

8. All persons bound by Recognizance to answer to prosecute, or to give Evidence.

9. All Bayliffs of Hundreds and Liberties to give an Account of Sessions, Process, *&c.*

10. All Coroners, *&c.*

Such Justices as neglect to appear at the Sessions are punishable by Fine in the *Kings-Bench*.

The Jurors not appearing according to Summons are punishable by Fine.

The Constables, &c. are punished by Fine put upon them in the Sessions.

The Justices being met, the course in which three Oyes to proclaim the Sessions, and then the Commission is read; which done the Constables are called, and out of them are made one or more Grand-Juries for Presentment, which being sworn, the Charge is given to call their Recognizance, especially such as are to prosecute and give Evidence, that so Bills may be drawn and prepared: To this purpose an

able

able Clerk is requisite. These Bills being ready, the Parties bound over are sworn to give Evidence, and they are usually commanded to go with the Jury whilst they consider of the Matter of the Bill; but if the Matter be weighty or difficult, or the Jury not able, or the Prosecution too slack or over violent, the Evidence ought to be given in Court that the Jury may be assisted in doing their Duty.

Whilst the Juries are absent the Course is to hear Motions touching settlement of poor persons, and so call persons bound to the Peace or Good Behaviour. But such as are not to be discharged until the end of the Sessions, for fear lest any come to prefer Bills against them, or with other Complaint when they are gone.

Now the Tryal of Prisoners and the Proceedings thereupon are in this manner: Towards the end of the Sessions when the Bills are come in, the Gaoler is called to set his Prisoner at the Bar; Then the Cryer makes a Bar; one of the Prisoners is called to, *A. B.* hold up thy Hand, Thou *A. B.* stands indicted by the Name of *A. B.* &c. reciting the whole Indictment in *English*, which done, How sayst thou *A. B.* art thou Guilty of this Felony and Burglary or, *&c.* whereof thou standst indicted or not Guilty? If he say Guilty, the Confession is Recorded and set aside till Judgment; if he says Not-Guilty, the Clerk says, *Culp. prit. id est*, Guilty already: Who wilt thou be tryed by? He answers, By God and my Country; but if he stands mute, it is best to ask him at least three times, and tell him the grievousness of the Judgment, *de paine fort & dure*, and if he will stand mute it must be Recorded.

If he plead Not-Guilty, record that, and in like manner arraign the rest of the Prisoners. And if two, three or more call them thus severally, Thou *A. B.* hold up thy Hand, thou *C. D.* &c. Then say thou *A. B.* by the Name of *A. B.* &c. and thou *C. D.* &c. by the Name of *C. D.* of, &c. So of the rest, for that thou, &c. and so recite the substance of the Indictment: There call them severally to plead, &c. which done, the Prosecutors are called on their Recognizance to give Evidence; then the Jury are called upon their Pannel (for a Return cannot be made on a *Venire facias* the same Sessions, and a Tryal be had thereupon, much less can they direct the immediate Return of by-standers, as in a Gaol-delivery.) Thus you good Men that are returned, &c. impannelled to try the Issue joyned between our Sovereign Lord the King and the Prisoners at the Bar, answer to your Names; which done, and a full Jury appearing make Proclamation, If any can inform the

the Kings Atturny or this Court of any Treaſon, Murder, Felony, or other Miſdemeanors againſt *A. B.* &c. the Priſoner at the Bar, let them come forth, for the Priſoners ſtands upon their deliverance. Then ſay to the Priſoner, The perſons that you ſhall now hear called are to paſs upon your ſeveral Lives and Deaths (or if it be Petty Larceny are to paſs upon your Tryal) if you will challenge them, or any of them, you muſt challenge them as tyey come to the Book to be ſworn, and before they be ſworn. Then call the Fore-man of the Jury, and ſay to him, Lay your Hand upon the Book, and look upon the Priſoner, You ſhall well and truly try, and true deliverance make between our Sovereign Lord the King and the Priſoner or Priſoners at the Bar, whom you ſhall have in Charge, You ſhall true Verdict give according to your Evidence; *So help you God.* Then call the ſecond, and ſo to twelve, for neither more nor leſs muſt be ſworn. You ſhall underſtand *A. B.* now Priſoner at the Bar ſtands indicted for that he, or if more than one is indicted, for that they, &c. and having recited the Indictment ſay, to which Indictment he hath pleaded Not-Guilty, and for his Trial hath put himſelf upon God and his Country, which Country ye are, ſo that your Charge is to enquire whether he be Guilty of the Felony, *&c.* whereof he ſtands indicted, or not Guilty; If you find him Guilty, you ſhall enquire what Goods and Chattels he had at the time that the ſaid Felony or Larceny, or, *&c.* was committed, or any time ſince; Or if it be for Felony, then what Goods and Chattles, Lands and Tenements he had at the time of the ſaid Felony committed, or at any time ſince. If you find him Not-Guilty you ſhall enquire whether he did fly for it; if you find he did fly for it, you ſhall enquire what Goods and Chattles he had at the time of ſuch flight; if you find him not Guilty, and that he did not fly for it, you ſhall ſay ſo and no more. Then call the Witneſſes and ſwear them one by one thus, The Evidence that you ſhall give on the behalf of our Sovereign Lord the King againſt *A. B.* Priſoner at the Bar ſhall be the whole Truth and nothing but the Truth, *So help you God.* And the Evidence being given ſet another Priſoner at the Bar, and ſay, You ſhall likewiſe underſtand that *C. D.* ſtands likewiſe indicted before you this time, for that he, *&c.* (and ſo recite the Indictment) for which he hath been arraigned, and pleads thereto Not-Guilty, and for his Tryal hath put himſelf upon God and his Country, which Country you are, You are therefore to enquire of him as of your firſt Priſoner (that

is

is whether the Offence is of the ſame degree) and ſo hear your Evidence, &c. after the Evidence given a Bayliff muſt be ſworn to keep the Jury thus; You ſhall ſwear that you ſhall keep this Jury without Meat, Drink, Fire or Candle, you ſhall ſuffer none to ſpeak to them, neither ſhall you ſpeak to them your ſelves, but only to ask them whether they are agreed, *So help you God.*

The Jury coming back within or near the Bar, the Priſoners are brought to the Bar. Call the Jury; they appearing, ſay, Set *A. B.* to the Bar, who being there, ſay, Look upon him Maſters of the Jury, How ſay you, is *A. B.* Guilty of the Felony (or as the Caſe is) whereof he ſtands indicted or not Guilty? If they ſay Not Guilty, bid him down upon his Knees; if they ſay Guilty, Record it, and bid him be taken away. Then ſay, Gaoler ſet *C. D.* to the Bar, and do as before, and when the Verdict is given, then ſay, My Maſters of the Jury hearken to the Verdict as the Court hath Recorded, You ſay, *A. B.* is Not Guilty of the Felony whereof he ſtands indicted, You ſay *C. D.* is Guilty of the Felony whereof he ſtands indicted, and ſo onwards with the reſt *Mutatis Mutandis.* Then make Proclamation, and ſay, all manner of perſons keep Silence while Sentence is given upon pain of Impriſonment. Then ſet the firſt Priſoner to the Bar, and give the Sentence, and ſo for the reſt.

Upon Tryal of this Nature Counſel is not to be allowed to the Party, unleſs he can ſhew to the Court ſome Matter of Law or otherwiſe: The Court is to be of Counſel with the Priſoner, and ought to adviſe him for his good, not taking advantage too ſtrictly againſt him. The Court alſo may be informed from a By-ſtander, eſpecially a Man of Law who offers any thing as *amicus Curiæ*, relating to the Tryal or manner of it.

No Witneſſes are to be examined upon Oath againſt the King, but being ſeriouſly admoniſhed to ſpeak the Truth, any perſon may be examined without Oath for the Priſoner.

It hath been queſtioned whether a Felon may be tried the ſame Seſſions in which he is indicted; and it ſeems at leaſt reaſonable to defer to another Seſſions, eſpecially if the Priſoner deſire it.

Many things ought not to be done by the Juſtices but in their Seſſions; namely where the exerciſing of their Authority requires a Court and publick Meeting for the doing thereof.

Other Matters there are, which by ſeveral Statutes cannot be executed, but in the Seſſions after *Eaſter*, or in other particular Seſſions; as taking account of the Treaſury for maimed Souldiers, and charitable Uſes, *&c.* By the Statute of 43 *Eliz. cap.* 2. 43 *Eliz. cap.* 3. muſt be done in *Eaſter* Seſſions. See the Rate of Wages by 5 *Eliz. cap.* 4. And every Juſtice not preſent thereat, ſhall forfeit 10 *l.*

Other things muſt be done in Seſſions, but may be done in any of them, as the diſcharge of Apprentices uſed by four Juſtices, 5 *Eliz. cap.* 4. Licenſing of Beggars by three Juſtices in Seſſions, (*Quorum unus.*) Any perſon having any Office of Truſt of the Kings Gift ſhall in the next Seſſions be admitted and receive the Sacrament, *&c.* 1 *Eliz. cap.* 1. 3 *Jac. cap.* 4. 5 *Car.* 2.

Note, The Uſage which is crept in, in ſome Counties four Juſtices to make Orders in their Chambers, after the Adjournment of the Seſſions, touching matters of Importance, are neither valid nor ſafe, but upon Complaint puniſhable.

Note alſo, That the Uſage in ſome Seſſions to diſcharge or ſet aſide Orders made in publick Seſſions, whether the ſame be made upon an Appeal, as ſometimes upon the Statute, 18 *Eliz. cap.* 2. in caſe of Baſtardy upon 14 *Car.* 2. touching Settlement, &c. or by themſelves, and intended to be final and abſolute, the Uſage is by no means legal or allowable according to *Pridgeons* Caſe for ſuch Order.

A private Seſſions of the Peace is not ſaid to be held for the County, *Styl.* 359.

Seſſions cannot meddle with a Statute, as Forgery, Non-Reſidence, Witchcraft, &c. or other Offences by Statute, when power is not thereby given them, *Savil* 134. *pl.* 212.

An Order of Seſſions quaſhed, which was to keep his reputed Child, and doth not ſhew it was a Baſtard, *Styl.* 154.

If the Juſtices grant their Warrant to the Sheriff for the holding a Seſſions at a certain time and place, the King by *Superſedeas* may countermand it; but other Juſtices of the ſame County cannot do it, *Fitz. Juſt.* 10.

The Proclamation mentioned, 4 *H.* 7. *cap.* 12. concerning Maintenance, *&c.* ſhall be read every Quarter Seſſions on pain of 20 *s.* for every Juſtice preſent.

The Statute of 5 *Eliz. cap.* 1. concerning the Kings power over all Eſtates, *&c.* ſhall be read openly every Quarter-Seſſions by the Clerk of the Peace.

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The Quarter Seſſions for the County of *Angleſey* is appointed to be held for ever at the Town of *Bumaris*, by the Statute of 5 *Ed. 6. not printed*, *Dyer* 135.

If a Man be bound generally to appear before a Juſtice of Peace within forty days, and that before forty days be expired the general Seſſions begins, he ought to appear at the ſame, though not not expreſſed, *Bro. Cond.* 208.

If a Juſtice command one on pain of 10 *l.* to appear at the next Seſſions, yet no *Scire facias* ſhall go out againſt him though it do not appear; but at the next Seſſions he may be attached for the Contempt.

The Statute of Victuallers ſhall be proclaimed twice a year in the Seſſions, 22 *H. 6. cap.* 13.

The Statute of Purveyors ſhall be proclaimed yearly by the Juſtices, 36 *Ed.* 3. *cap.* 2, 3, 4.

The Statute concerning Archers ſhall be proclaimed at every Seſſions, 33 *H.* 8. *cap.* 9.

The Statute touching Rebellious Aſſemblies ſhall be read every Quarter Seſſions, 1 *Mar. cap.* 1. 13 *Eliz. cap.* 17.

The Juſtices (when a Riot is committed) ought to hold a Seſſions within a Month after upon pain of 100 *l.* for every Juſtice next adjoyning which ſhall fail ſo to do, 13 *H.* 4. *cap.* 7.

Upon complaint of a Forceable Entry by the Parties grieved a Seſſions ſhall be held within a reaſonable time, 8 *H. 6. c.* 9.

Seſſions may commit a Juſtice for breaking the Peace, *Jenk.* 174. *pl.* 47.

CHAP. CXVII.

Sewers.

SIX Juſtices in the Shire where any Laws of Sewers are to be executed (*Quorum unus*) may excuſe the ſame for one year, after the Expiration of the Commiſſion whereby they were ordained, except a new Commiſſion be publiſhed in the mean time.

See the Authority of the Commiſſioners of Sewers, the Forms of their Commiſſions and Oaths at large, 23 *H.* 8. *cap.* 5.

The King at Common Law may award his Commiſſion of Sewers for the amending of the Sea-Banks, and that the freſh water may have its courſe, *F. N. B.* 118. *a.*

These Commissioners cannot make any New-River, or Invention, as Mills to cast Water, &c. yet they may remove ancient Banks, or Sewers into more convenient places, 11 Co. 14.

They cannot cast down any Mills, Causeys, &c. erected before the time of *Ed.* 1. but may abate them if raised above their ancient height, 10 Co. *Rep.* 138.

They ought not to tax any towards these Reparations, &c. or but such as have prejudice by the Nusance, &c. or may have benefit by the reforming them, 6 *H.* 6. *cap.* 5.

They ought to tax all who be endamaged by not repairing though their Lands be not next adjoyning, and it must be proportionable to the yearly value of the Land, &c. without Improvement, *Co. Lit.* 171, 179.

If a Person be bound by Prescription to repair the Bank of a River, &c. and be not of ability to do it, or if by an unusual overflowing, the Banks are broken down, the Commissioners may charge such as have Lands in danger to the Reparation of the same together with persons so neglecting, 5 Co. 108. and 10. 139.

If a person be bound by Prescription to repair, &c. and the danger become unavoidable, whereby others are charged every one of them may have his Action upon his Case against him, and recover Damages, *Fitz. N. B.* 909. 7 *H.* 4. 8. and 41.

These Taxations ought to be particular upon every several Owner, or Occupier of Land, &c. and not a general Sum in gross upon the whole Town, *Vid. Tit.* Stocks of the Shires, and Serjeant *Callis* his Reading, and Statute of 23 *H.* 8.

CHAP. CXVIII.

Sheriffs.

THE *Custos Rotulorum*, or the eldest Justice of the *Quorum* in his absence at the general Sessions after *Michaelmas* ought to appoint two Justices (*Quorum unus*) to have the oversight and controlement of the Sheriff, Under-Sheriff, their Officers and Deputies, and the inspection of their Books, Amercements and Estreats, in their, &c. County Courts, 11 *H.* 7. *cap.* 5.

Either

Either of theſe two Juſtices, or as it ſeems any other Juſtice upon Complaint of the party grieved, may examine the Sheriff, *&c.* or taking, or entring Plaints in the ſaid Courts againſt the Statutes. 1. If a Plaint be entred in their Books in a perſons Name, who is neither preſent in Court in Perſon or by Atturney. 2. If the party find not good Pledges: (*ſc.* known perſons) to purſue his Plaint. 3. If the Plaintiff ſhall enter more than one Plaint for one Treſpaſs, Contract or Cauſe. 4. If the Sheriff, *&c.* ſhall enter any more Plaints than the Plaintiff ſuppoſeth, he hath cauſe of Action for, againſt the Defendant.

If the ſaid Juſtices ſhall find any of theſe defaults upon their Examination, this ſhall ſtand for a ſufficient Conviction without farther Enquiry, and they ſhall forfeit to the King 40 *s.* for every Default, to be recovered in the Exchequer.

And the Juſtice which took the Examination ſhall certifie the ſame to the Exchequer within a Quarter of a year upon pain of 40 *s.*

Alſo the ſaid Juſtices may examine the Defaults of the Bayliff of the Hundred for not warning the Defendant to appear according to his Precept, *&c.* And if ſuch default be found by the Juſtice it ſhall ſtand for Conviction, alſo the Bayliff ſhall forfeit to the King 40 *s. ut ſupra, Ibid.*

Sheriffs, *&c.* ſhall make no Eſtreats to levy their Shire Amercements, until the ſaid Juſtices have had the view of their Books, which Eſtreats ſhall be by Indentures between the ſaid Juſtices and Sheriffs, &c. *Ibid.*

The Bailiffs and Collectors, *&c.* of the ſaid Amerciaments ſhall be ſworn by the ſaid Juſtices that they ſhall take no more Mony than is contained in ſuch Eſtreats.

The ſaid Juſtices, or one of them, may examine the Defaults of the Collectors, *&c.* and if they find any, ſuch finding ſhall ſtand for a ſufficient Conviction, and they ſhall forfeit to the King for every default 40 *s.* &c.

The ſaid Juſtices upon ſuggeſtion of the party grieved ſhall make like Proceſs, as in Treſpaſs againſt the Sheriff, *&c.* to make him appear to anſwer ſuch Suggeſtion, See *Tit. Proceſs.*

1. No Sheriff, Coroner, &c. who may make Return of Writs, ſhall return any Jurors Dwelling out of any Liberty, without the true addition of his Dwelling at that time, or within a year before, or other ſufficient addition, nor within any Liberty without ſuch addition as ſhall be certified to him by the Bailiff of the Liberty under his Hand, 27 *Eliz. cap.* 7.

2. No Bailiff of a Liberty or Deputy ſhall return any Jurors, or deliver his Name to the Sheriff without ſuch addition.

3. No Extract of Aſſize againſt the Juror ſhall be delivered out, or put in *Ure* without addition in the original Pannel or Tales.

4. No Under-Sheriff, Bailiff, *&c.* ſhall collect any Iſſues of any perſon not charged with the Extract for the pain thereof.

Upon pain that the Clerk writing, *&c.* and every perſon offending againſt this Act, ſhall pay to the Queen five Marks, to the party grieved five Marks.

The Juſtices may determine hereof and make Execution of the Forfeitures.

The Sheriff, *&c.* which ſhall return a Juror which cannot diſpend 4 *l.* upon ——— ſhall forfeit 20 *s.* 17 *Eliz. cap.* 6.

Upon the firſt *Diſtringas* or *Habeas Corpora*, the Sheriff, *&c.* ſhall return 10 *s.* iſſues every Juror, upon the ſecond 20 *s.* upon the third 30 *s.* and upon every farther Writ double the Iſſues, forfeit 5 *l.*

If any be returned, ſummoned, which is not, and loſs of Iſſues, *&c.* the Sheriff, *&c.* ſhall forfeit double his Iſſues.

If a Sheriff, *&c.* ſhall take a Reward for not returning a Juror he ſhall forfeit 5 *l.* to the King and Proſecutor.

No Sheriff during his Office ſhall execute the Office of a Juſtice of Peace, and all ſuch Actions done by him ſhall be void, 1 *Mar. cap.* 8.

Sheriffs, *&c.* ſhall take no more for any Extent or other Execution than 12 *d.* in the pound for the firſt 100 *l.* and 6 *d.* for every 20 *s.* more or leſs, to the party treble damages, and 40 *l.* to the King and Proſecutors, 27 *Eliz. cap.* 4.

This Act extends not to Fees for an Execution in a Corporation, but it muſt be intended of Actions ariſing within the ſame Shire tried, and Judgment given, See the *Lect.* 19. and 51.

If any Under-Sheriff, Bailiff of a Franchiſe, *&c.* ſhall intermeddle not having taken the Oath hereby appointed, he ſhall forfeit 40 *l.* to the King and Proſecutor, *Oath poſtea.*

The Juſtices in their Seſſions may determine the Default againſt this Act, and award Execution for the Forfeitures.

The *Cuſtos Rotulorum*, or any two Juſtices (*Quorum unus*) may adminiſter the Oaths of the Under-Sheriffs his Bailiffs, Clerks and Officers, 27 *Eliz. cap.* 12.

Special

Special Bayliffs are not to be ſworn, *Crompt.* 76. 103. *Jones Rep.* 247.

Sheriffs and their Miniſters ſhall not make any Proceſs upon Indictments in their Leets or Turns, but ſhall deliver the ſame at the next Seſſions, or forfeit 40 *l.* &c. and the Juſtices may proceed thereupon and return the Eſtreats by Indenture, and if the Sheriff ſhall levy any Amercement, *&c.* without ſuch Authority, he ſhall forfeit 100 *l.* 7 *Ed.* 4. *cap.* 2.

CHAP. CXIX.

Silk Throwing.

NO Perſon ſhall exerciſe this Trade, unleſs he hath been an Apprentice thereunto for the ſpace of ſeven years, or forfeit 20 *s.* a Month to the King and Proſecutor, 14 *Car.* 2. *cap.* 15.

If any Silk-winder or doubler imbezil any Silk delivered unto him, or if any perſon buy any Silk ſo imbeziled, he ſhall be puniſhed by a Juſtice of Peace, as by the ſaid Statute is appointed.

2 *W. & M. cap.* 9. is an Act for the diſcovering the Importation of Thrown-Silk.

CHAP. CXX.

Skinners.

NO Tradeſmen other than a Skinner ſhall dreſs or tranſport any black Cows Skins of the Breed of *England*, unleſs the ſame be tanned according to the skill of Artiſts and Skinners, or forfeit the value thereof, 3 *Jac. cap.* 9.

No Merchant, *&c.* ſhall buy any Cony-skins or Lamb-skins, or of the Breed of *England*, or bring here under 6 thouſand black Cony-skins, three thouſand grey Cony-skins, or two thouſand Lamb-skins, except to ſuch Skinner, or forfeit the ſame or value.

No perſon ſhall keep any Servant, *&c.* to work therein except he hath ſerved ſeven years, and uſeth the Trade, or forfeit double value of the Skins to the King and Seizor.

CHAP. CXXI.

Souldiers.

EVery Pariſh ſhall be charged to pay weekly to the relief of maimed Souldiers, or ſhall be aſſeſſed in the Quarter Seſſions after *Eaſter*, ſo as no Pariſh pay above 10 *d.* or under 2 *d.* weekly, 43 *Eliz. cap.* 3.

The Mayor, Aldermen, Recorder of *London* may tax every Pariſh there, not exceeding 3 *l.* a Pariſh, or under 12 *d.*

The Sum ſhall be rated by the Pariſhioners amongſt themſelves, or in default thereof by the Juſtices aforeſaid to be levied by Diſtreſs.

The Churchwardens and Conſtables ſhall collect and pay it to the High-Conſtable, ten days before the Seſſions, and the High-Conſtable to the Juſtice appointed, *Ibid.*

Church-wardens and Petty Conſtables failing hereof ſhall forfeit 20 *s.* High-Conſtables 40 *s.* to be levied by Diſtreſs: And the Treaſurer not accounting ſhall be fined at the Seſſions not exceeding 5 *l.*

Every diſabled Souldier, *&c.* ſhall if able repair to the Treaſurer of the County where he was preſſed, *&c.* with his Certificate, whereupon he ſhall receive from ſuch Treaſurer a proportionable relief until the Seſſions: And then the Juſtices ſhall under their Hands grant the ſame for his Life, ſo as no one that hath born any Office ſhall have above 10 *l.* ſuch as have born Office above 15 *l.* and a Lieutenant above 20 *l.* yet the Juſtices in their Seſſions may alter or revoke the ſame.

If ſuch maimed Souldier ſhall arrive in a County far diſtant from the place, where he ought to receive ſuch Penſion. The Treaſurer of the County where he arrives ſhall give him relief with a Teſtimonial, and ſo from County to County until he come to the place where his Penſion muſt be ſetled.

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The Treaſurer ſhall keep a Book of the Sums levied, and relief given, and preſerve every Certificate, and if they refuſe to give relief, they ſhall be fined at the Seſſions, and it ſhall be levied by diſtreſs.

If ſuch Souldier ſhall beg he ſhall be puniſhed as a Rogue.

The Surpluſage of ſuch Stock ſhall be beſtowed by the Seſſions to Charitable Uſes limited by the Statute, and the Forfeitures of every Treaſurer, *&c.* ſhall be imployed to the ſame uſe.

In Corporations where there are Juſtices of the Peace, ſuch Juſtices only with the Majors or Bailiffs, *&c.* ſhall execute this Act.

See the Statute of 14 *Car.* 2. *cap.* 5. for the Relief and Reward of ſuch Perſons as have hazarded their Lives and Fortunes in the Service of his preſent Majeſty, or his Father.

If any commanded to be muſtered ſhall abſent himſelf without lawful cauſe, or ſhall come and not bring his beſt Furniture, *&c.* he ſhall be impriſoned without Bail ten days, or agree to pay 40 *s.* to the Queen, 4 & 5 *Ph.* & *M. cap.* 3.

If any Man authorized to Muſter or levy Men for the Defence of the Kingdom, ſhall receive a Reward, he ſhall forfeit ten times the value.

If any Captain, *&c.* ſhall for advantage licence a Souldier to depart, he ſhall forfeit ten times the value of the thing taken; and if he ſhall detain his Souldiers Pay above ten days, he ſhall give him treble as much.

The other Forfeitures ſhall go to the Queen and the Proſecutor, and may be recovered in any Court of Record by Information or otherwiſe.

The Juſtices in their Seſſions may determine the Offences and award the Offenders to Priſon till payment of the Forfeiture, *Ibid.*

If Souldiers taking preſt or wages to ſerve the King depart out of the Service it is Felony, by 7 *H.* 7. 3 *H.* 8. 2 *Ed.* 6. 18 *H.* 6. 59. See 5 *Eliz.* 5. 1 *Jac.* 25. 2 *Anderſ.* 151. 2 *Inſt.* 53.

The Captain is he who is to command, and the Conductor is he who is hired to guide the Souldiers in the way to their Captain, and departing from him is Felony.

Juſtices of Peace may try the Offence at their Seſſions, and ſo may Juſtices of Oyer and Terminer, 1 *Cro.* 71. *Hutt.* 134.

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The next Juſtice may commit to the Houſe of Correction ſuch Perſons as ſhall be falſly muſtered, or offer himſelf ſo to be, there to remain for the ſpace of ten days, and to have his Ear cut off by the Gaoler or Keeper.

Such as ſhall lend Horſes to be muſtered forfeit the Horſe to the Informer, if it belonged to the Lender, or otherwiſe, 20 *l.* upon Oath, by two Witneſſes, before the next Juſtice, 4 & 5 *W.* & *M.* to continue till the firſt of *March* 1693.

The Forfeiture to be paid out of his Pay or Goods, by Court-Marſhal, *&c.*

Oath being made to two or more of the next Juſtices, by two or more Witneſſes of any Officer that ſhall quarter Souldiers upon private Houſes againſt the Owners wills, or ſhall threaten any Civil Officers to deter them from performing their Duty, the Juſtices Certificate thereof to the Judge or Advocate, the Officer ſhall be caſhiered, *&c. Ibid.*

Officers and Souldiers to pay ſuch prices as the Juſtices in their Seſſions ſhall appoint for Proviſions, for one or more Nights on their March, and for one Night at their Reſidence or Quarters, *Ibid.* And upon Complaint and Oath by two Witneſſes to certifie their Majeſties Pay-Maſters of ſuch Officers as give not immediately notice to Inn-keepers, *&c.* of the Sums they receive for Souldiers Pay or Subſiſtence, and pay not the Inn-keepers, *&c.* their Debts due within four days, *Ibid.*

No Commiſſioner ſhall muſter Forces within *Weſtminſter* and *Southwark*, and Liberties thereof, but in the preſence of two Juſtices of Peace, not being Officers in the Army, upon penalty of forfeiting their Places, and being diſabled for the future; and 4 & 5 *W.* & *M.* 13. to continue till *March* 1693. to extend to the Iſlands of *Jerſey* and *Guerniſey* as to Muſtering and Paying.

Upon their Majeſties order, the Juſtices within their Liberties muſt iſſue Warrants to the Conſtables, *&c.* for the providing Carriages for their Majeſties Forces in their March.

If any Officer of the Troop or Company conſtrain any Carriage to travel more than one days Journy, or ſuffer Souldiers or Servants (except Sick and Wounded) or Woman to ride therein, or threaten a Conſtable to provide Saddle-Horſes for the Officer, or his Servants, or force them from the Owners, ſhall forfeit 5 *l.* for every Offence, proof being made upon Oath before two Juſtices, who are to certifie it to the Pay-Maſter-General, who is

to

to pay it according to the Juſtices order, under their Hands and Seals, *Ibid.*

If any Officer, Military or Civil, quarter any of the Wives, Children or Maid-Servants of Officer or Souldier in any private Houſe againſt conſent of the Owners, ſhall be caſhiered, and if a Conſtable or Tithing-man, *&c.* then he ſhall forfeit 20 *s.* to the party grieved, upon complaint and proof to the next Juſtice, to be levied by diſtreſs and ſale, and Charges, 4 & 5 *W.* & *M.*

If any Officer or Souldier ſhall without leave of the Lord of the Mannor, under his Hand and Seal, take, kill or deſtroy any Hare, Cony, Pheaſant, Partridge, Pigeon, or any ſort of Fowl, Poultry or Fiſh, or their Majeſties Game within *England*, *Wales* and *Berwick*, and upon complaint ſhall be upon Oath convicted before a Juſtice of Peace, every Officer ſhall forfeit 5 *l.* to be diſtributed amongſt the Poor of the place, and chief commanding Officer ſhall pay 40 *s.* for the Offence of every Souldier, to be diſtributed as aforeſaid.

If upon Conviction before a Juſtice, and Demand by Conſtable or Overſeer, the Officer pay not the Penalties within two days, he forfeits his Commiſſion, *Ibid.*

The chief Magiſtrate of a Place muſt be preſent at the muſtering of Souldiers, Stat. 4 & 5 *W.* & *M.*

Souldiers to be quartered in Inns, Livery-Stables, Alehouſes, Victualling-houſes, and Houſes ſelling Brandy, Strong-water, Cyder or Metheglin, and in no private Houſe whatſoever, *Ibid.*

By the Statute of 5 & 6 *W.* & *M. Seſſ.* 5. *cap.* 9. Liſted Souldiers not liable to Penalties or Puniſhment, that ſhall not have been brought before a Juſtice of Peace, not being an Officer in the Army, or Chief Magiſtrate, *&c.* and before ſuch Juſtice, *&c* declare his free conſent to be liſted or muſtered as a Souldier, before he be liſted or muſtered in any Muſter-Roll, upon the like penalty on the Officer as for making a falſe and untrue Muſter.

Upon the Act for puniſhing Souldiers and falſe Muſters, 6 & 7 *W.* 3. It is enacted, That if any Officer of the Army, between the 10th of *April* 1695. and the 10th of *April* next enſuing, ſhall take or cauſe to be taken, or knowingly ſuffer to be taken any Mony of any Inholder or Victualler, or the Inhabitant of any publick Houſe allowed by 4 & 5 *W.* & *M.* (which is hereby revived) for excuſing the quartering of Officers and Souldiers, or their Diet, Small-Beer, Hay or Straw for them, or any of them reſpectively allowed to be taken upon credit in Quarters, ſuch Officer upon complaint

plaint made upon Oath to any Juſtice of the Peace within five days after, which Oath ſuch Juſtice is authorized and required to adminiſter, and by Warrant under his Hand and Seal to compel the Offender to come before him or any other of his Majeſties Juſtices of the place where ſuch Officer ſhall be found, to enter into a Recognizance not exceeding 40 *l.* to appear in the Court of *Kings Bench* at a time named to anſwer ſuch Action as ſhall be brought againſt him by Bill, Plaint or Information, and if a Verdict paſs for the Plaintiff or Judgment be given for default of Plea, or by Confeſſion the Plaintiff ſhall recover double Damages with double Coſts, and after ſuch Conviction the Defendant ſhall be *ipſo facto* caſhiered and made incapable of ſerving his Majeſty in any Military Employment; and if the Plaintiff be non-ſuited or diſcontinue he ſhall pay the Defendant like Coſts.

Every Commiſſion Officer hereafter employed in his Majeſties Service, ſhall before he be muſtered take an Oath before the Commiſſary General, *&c.* that he gave nothing for his Commiſſion, *&c.* Provided, That if any Juſtice of Peace in *London*, *Weſtminſter*, or the Liberties, or the Borough of *Southwark* ſhall upon requeſt made by any Commiſſary or Muſter-Maſter or other Officer, neglect or refuſe to be preſent at any Muſter of Officers and Souldiers to be made by virtue of this Act, every ſuch Juſtice, Major or Magiſtrate offending ſhall forfeit 5 *l.* to be recovered in any of his Majeſties Courts at *Weſtminſter*, provided his Action be proſecuted within ſix months after the Offence committed.

If any poor Souldier or Marriner ſhall come from beyond the Seas to the place of his Birth, *&c.* and ſhall not be able to get work there, two Juſtices near the ſaid place ſhall take order to ſet him on work, or for want thereof ſhall Tax the whole Hundred for his relief until work be had.

CHAP. CXXIII.

County Stock.

IF the Pariſhioners, Church-wardens, *&c.* ſhall not aſſeſs the Tax impoſed by the Juſtices after *Eaſter* Seſſions towards the relief of Priſoners in the *Kings Bench* and *Mar-*

Marshalsea, of the Hospitals in the County, of Losses by Fire and other Casualties, and of relief of the Poor in the same County: Any Justice dwelling in the same Parish, if none be there in the parts adjoyning shall assess the same; and if the Church-wardens, *&c.* shall neglect to levy such Assessment, the said Justices or any other may do it, by distress and sale of the Refusers Goods, or in default thereof may commit him until he make payment, 43 *Eliz. cap.* 2.

The like Law is where the Parishioners, *&c.* shall not assess the Tax for maimed Souldiers and Mariners, 43 *Eliz. cap.* 3.

Note, The Landlord shall not be taxed for his Farm-Rents, for the Occupier of Land is chargable for the same; so where any Farmer is assessed for his Goods.

I ought not to be rated for any Farms, *Bro.* 2. 4. 7 *H.* 4. 33. 11 *H.* 4. 35. 6 *Co.* 65.

By Goods in most cases, as in Lands a Man may be rated, but not both for his Goods and Lands; but for such Goods or stock of Cattle whereby he Manures his Lands, he shall not be charged where the Land is charged.

Where a Man is charged only by his Goods (in which case desperate Debts are to be deducted) upon his Oath taken that his Goods, *&c.* be not of such value as he is rated for them, the Justice must obey such Assessment accordingly.

CHAP. CXXIII.

Supplicavit.

THIS Writ may be directed to one Justice of Peace or more, or to the Sheriff, and sometimes to all the Justices, and then he to whom 'tis first delivered ought to execute it, and make return thereof (only) without any other. The same Justices may make him a *Superseders* to discharge him from any other Arrest, or deliver him out of Prison for the Peace, at any other Mans Suit, as it seemeth, *Cromp.* 237. 6.

Another Justice cannot supersede a Warrant made by virtue of this Writ.

The

The Officer to whom the Precept is directed by the Juſtice to whom the Writ was delivered upon the refuſal of the parties to find Sureties, may immediately carry him to priſon.

If the Writ be directed to the Sheriff and four Juſtices, that they or any two of them ſhall take the Recognizance, this Writ executed by two Juſtices which take Recognizance and returned by the Sheriff, as taken by them is good, *Roll Rep.* 2 *part* 348.

If the party make reſiſtance, the Officer (authoriſed by the Warrant grounded upon the Writ) may take the *Poſſe Comitatus* to arreſt the Party.

He that is taken by this Writ may be bound for his life, but if he comes into *Chancery* and find Sureties there, he may be bound until a certain day, and may have a *Superſedeas* thence to the Juſtice, Sheriff, *&c.*

If ſome Friends of the Perſon arreſted by this Writ be bound for him in *Chancery*, he may have a *Superſedeas* to be diſcharged.

This Writ is not to be granted but upon great cauſe ſhewn, and Oath made that he is in fear, *&c.*

All Proceſs of the Peace or Good Behaviour out of the *Chancery* or *Kings Bench* ſhall be void, unleſs upon motion made in open Court, and upon Declaration in Writing, upon Oath of the caſe for which Proceſs ſhall be granted, unleſs ſuch Motion or Declaration be mentioned to be made upon the back of the Writ, and the ſame Writing muſt be there entred on Record; and if after it appears to the Court that the cauſe expreſſed in ſuch Writ be untrue, the Court may award Coſts and Damages to the party, and may alſo commit the Offender till he pay the Coſts and Damages, 21 *Jac. cap.* 8.

If a *Supplicavit* be againſt divers, and the Prayer of the Peace be releaſed to one of them, this Releaſe ought to be certified (or a *non eſt inventus*) for him, and the Writ executed againſt the reſt.

One may be bound to the Peace towards the Party, and towards the Good Behaviour for the King, 30 *Aſſ. part* 14.

One ſtriking in the preſence of a Juſtice of Peace may be bound by him to the Peace, and alſo to the Good Behaviour; ſo may be done for an Aſſault upon a Perſon coming to Seſſions to prefer a Bill of Indictment, or about a Traverſe to be tried there, ſuch Offender ſhall be bound to the Peace towards the Party, and to the Good Behaviour for the Contempt to the King and Court.

It

It is directed to them from the *Chancery* to bind to the Good Behaviour, and it must be returned under the Hands and Seals of the Justices, 2 *Cro.* 669.

It is a Judicial Writ, and cannot be executed by a Deputy, and he that first receives the Writ has the sole power of executing it. Upon this *Supplicavit* out of *Chancery* the Party may be committed for want of Sureties, 2 *Cro.* 356. *Godbolt pl.* 451.

Surveyor, See before **High-ways** and **Scavenger.**

CHAP. CXXIV.

Swearing.

IF a Person shall Profane, Swear or Curse in the hearing of any Justice, Major, *&c.* or shall be convicted of such swearing, *&c.* by the Oath of two Witnesses, or confession before any Justice or Major, *&c.* he shall forfeit for every such Offence to the use of the Poor 1 *s.* 21 *Jac. cap.* 20. 3 *Car. cap.* 4. 17 *Car. cap.* 4.

Every Justice, Head Officer, *&c.* may command the Constables, *&c.* to levy the said Sum by distress, *Ibid.*

In defect of such distress the Offender being above the age of twelve years shall be set in the Stocks three hours, if under twelve years old, and shall not pay the said 1 *s.* he shall be whipt by the Constable by Warrant of the Justice, or by the Parent or Master in the presence of the Constable.

Every Offence against this Act shall be proved within twenty days after the Offence committed, *Vide Tit. Oaths.*

By the Statute of 6 & 7 *W.* 3. to supply the defects of the other, the Conviction may be by the Oath of one Person.

The Forfeitures are for every Day Labourer, Common Souldiers and Common Seamen 1 *s.* and every other Person 2 *s.*

For the second Offence double the Forfeiture.

For

For the third Offence treble the firſt Offence.

In Debt of Diſtreſs, the Offender being above ſixteen years, ſhall be ſet in the Stocks for one hour for every ſingle Offence, and for any number of Offences whereof he ſhall be convicted at one and the ſame time, then two hours.

If under ſixteen years old, and ſhall not forthwith pay, *&c.* he ſhall be whipt by the Conſtable, by Warrant of the Juſtice, or by the Parent, Guardian or Maſter in preſence of the Conſtable.

The Juſtice that omits the Duty of his Office forfeits 5 *l.* one moiety to the uſe of the Informer.

If any Action be brought againſt any Officer, *&c.* he may plead the General Iſſue, and give the Special Matter in Evidence, and upon Verdict for the Defendant, or Non-ſuit or Diſcontinuance of the Plaintiff, the Defendant ſhall have treble Coſts.

Every Offence againſt this Act ſhall be proved within ten days after the Offence committed.

The Juſtice, *&c.* or Head Officer ſhall regiſter in a Book all Convictions made before him upon this Act, and the time, and for what Offence, and ſhall certifie the ſame to the next General Quarter Seſſions of the Peace for the County or Place, to be there kept upon Record by the Clerk of the Peace to be ſeen without Fee or Reward.

CHAP. CXXV.

Tithes.

BY the Statute of 27 *H.* 8. *cap.* 20. Two Juſtices of the Peace (one of them being of the *Quorum*) have Power to attach the Defendant for not obeying the Civil Law for Tithes. See the Statute of 32 *H.* 8. *cap.* 7.

CHAP.

CHAP. CXXVI.

Tobbacco.

NO Person may Plant any *Tobacco* upon pain of forfeiture of 40 *s.* for a Rod of Ground so planted, and so *pro rata* for every quantity, 12 *Car.* 2. *cap.* 33.

And by the Statute of 15 *Car.* 2. *cap.* 7. There is a penalty given of 10 *l.* for every Pole above the said 40 *s.* one third to the King, another to the Poor, the other to the Informer.

All Sheriffs, Justices, Majors, *&c.* upon Information, that *Tobacco* is sown within their Precincts shall cause the same to be destroyed; Then every Person resisting the same, *&c.* shall forfeit 5 *l.* to be levied by distress, and for want thereof the Offender shall be imprisoned for two months without Bail, and shall enter into Recognizance of 10 *l.* with two Sureties not to do so again.

All Justices a month before the Quarter Sessions shall issue a Warrant to the High Constables to make enquiry what *Tobacco* is sown, *&c.* and to present the same in Writing upon Oath, *&c.* which Presentment being filed shall be a Conviction, unless the Party have notice, and shall at the next Sessions traverse the same, finding Sureties to prosecute, 12 & 13 *Car.* 2.

All Constables, *&c.* within four days after Warrant from two Justices may destroy the same *Tobacco*, *Ibid.*

The Constables are upon Warrant to seize and present at the next Quarter Sessions the said Offence of sowing, planting or making *Tobacco*, and their Presentment shall be a Conviction, except the Party traverse the same, 22 & 23 *Car.* 2. *cap.* 26.

This Statute was continued 1 *Jac.* 2. for seven years and by the Statute of 4 & 5 *W.* & *M.* 'tis continued from 13 *Febr.* 1692. for seven years.

CHAP. CXXVII.

Traverſe.

TO traverſe an Indictment is to take Iſſue upon the chief Matter thereof, or to make contradiction, or deny the Point of the Indictment. As if *A.* be preſented for a High-way overflown with Water, or default of ſcowring a Ditch which he and they (whoſe Eſtate he hath in certain Lands there) have uſed to cleanſe, *A.* may traverſe either the matter, *viz.* That there is no ſuch High-way there, or that the Ditch is ſufficiently ſcoured, or otherwiſe he may traverſe the cauſe that he holds not that Land, *&c.* or that he and they whoſe Eſtate, *&c.* have not uſed to ſcour the Ditch, 5 *H.* 7. 3.

After Proceſs *ad Reſpond.* is awarded againſt the Party, he may come in and either yield to pay his Fine, or offer his Traverſe to the Indictment found before the Juſtices, which they ought to allow him, the words of which are in Latin, *abſq; hoc*, &c.

The Juſtices in many Caſes out of Seſſions may take Indictments, award Proceſs *ad Reſpond.* and to hear and determine, but the Offenders may anſwer for themſelves, and if they offer their Traverſe the Juſtices muſt receive it, but cannot try the ſame (except in Riots and Forceable Entries) out of Seſſions, and therefore they muſt ſend the Inquiſition, *&c.* into the *Kings Bench*, Quarter or General Seſſions to be tried there. See *Tit. Riot*.

There was ſome of Opinion formerly (as appears by 2 *R.* 3. 11. 19 *H.* 8. 11. *Fitz. Tit. Aſſ.* 442. *&c.*) that a Preſentment not charging a Mans Freehold was not traverſable, but now when Proceſs is awarded the Party may traverſe, or elſe the Proceſs were in vain, 4 *H.* 7. 4. 41 *Ed.* 3. 26.

But if a Man be of an Enqueſt that Indicts him of Treſpaſs, *&c.* he ſhall not traverſe it, becauſe upon the matter, he indicted himſelf, as Mr. *Marrow* hath delivered.

Note, There is no Indictment traverſable, but that the Party may be arraigned upon it, there is no Indictment whereupon a Man may be arraigned, but that he may traverſe it if he pleaſe.

If

If one Justice of the Peace alone will take upon him to record a Riot, the Party shall not be concluded thereby, for he may traverse it, *Fitz. Tit. Justice del P.* 9. *Lamb.* 171.

CHAP. CXXVIII.

Treason.

TReason is twofold, High-Treason and Petty-Treason, of which I shall discourse in order, beginning with the first of them.

To imagine or intend the death of the King, and to declare by any Overt Act, as by Words or Letters is High-Treason; so an intention to deprive, depose or disinherit the King is Treason.

To say that he will be King after the Kings death is Treason, 13 *H.*8. *f.* 12. Duke of *Buckinghams* Case.

It seems that if a mad Man shall attempt to kill the King, it is High-Treason.

It hath been adjudged Treason to propheſie when the King shall die, *Williams* Case, *Roll Rep.* 2 *p.* 88.

To say the King being excommunicated by the Pope, any Person may depose or kill him, and that it is no Murder, this is High-Treason, *Owen* Case, 13 *Jac.*

To affirm the King to be a Heretick, Traitor or Usurper, is High-Treason, in 13 *Eliz. cap.* 1. or so it is to arrest or imprison, *Roll Rep.* 2. *p.* 89.

It is also High-Treason to deflower the Kings Wife, his eldest Daughter being unmarried, or his eldest Son and Heirs Wife.

To levy War against the King in his own Realm is High-Treason, and so it is to conspire in order to it.

To practise with the Governor of any County to invade this Realm is High-Treason, though it be not put in ure, *Dyer* 198.

To succour the Kings Enemies, or adhere to them, aiding or giving them comfort within this Realm, or elsewhere, to be in councel with others to levy any Seditious Wars, every of these Act are High-Treason.

If a Subject go beyond the Seas and join with the Kings Enemies and die, or be slain there, this seems to be Treason, and an Attainder in Law without any more, *&c.* 8 *Ed.* 3. *Fitz.*

Fitz. Dower 106. So of Subjects within the Realm joining in Battle with the Kings Enemies and be ſlain.

An Alien Enemy cannot be indicted of High-Treaſon, but an Alien Friend may.

To counterfeit the Kings Great Seal, Sign Manual, Privy Signet or Privy Seal is High-Treaſon; theſe were but Petty-Treaſon at Common Law before the Statute, 25 *Ed.* 3.

And the counterfeiting the Kings Coin is High-Treaſon, and the Juſtices of the Peace may enquire thereof, and make out Proceſs by Enquiry only againſt thoſe that are indicted before them.

To counterfeit the Coin of another Realm made current here by the Kings Proclamation, Act of Parliament or Permiſſion is High-Treaſon, 1 *M. cap.* 6. *Co. Lit.* 208.

To forge or counterfeit ſuch Mony as is not current within this Realm is miſpriſion of Treaſon, 14 *Eliz. cap.* 13.

To clip, waſh, round, file, impair, diminiſh, lighten or falſifie any Coin of this or any other Realm, allowed or ſuffered to be current within this Realm is Treaſon, 5 *Eliz. cap.* 11.

To bring from beyond Sea into this Realm any other Foreign Coin made in another Realm like to the Coin of this Realm, or any other Foreign Coin made current in this Realm, knowing it to be falſe, with an intent to merchandize with it, is High-Treaſon, but bringing of ſuch Coin from *Ireland* is not Treaſon within this Act, 1 & 2 *Ph. & M. cap.* 3.

If one coin Mony by the Kings Warrant, and make it leſs in weight than the ancient Ordinance, or coin falſe Metal is Treaſon, *Bro. Treaſon* 19.

It ſeems that to coin Farthing is no Treaſon, by Sir *Francis Harvey* at *Cambridge* Aſſizes, 1631.

To utter falſe Mony made within this Realm, or any other the Kings Dominions, knowing thereof, is miſpriſion of Treaſon.

To kill the Kings Chancellor, Juſtices of either Bench, Juſtices in *Eire*, Juſtices of *Aſſiza*, or of *Oyer* and *Terminer*, being executing their Offices, is High-Treaſon.

All Acts whereby any Offence is made Treaſon, Petty-Treaſon, or miſpriſion of Treaſon (excepting what is declared Treaſon, *&c.* by 25 *Ed.* 3.) are repealed by 1 *M.*

In Treaſon there is no Acceſſories either before or after the Fact. To conceal High-Treaſon is miſpriſion of Treaſon.

It is Treason to set at large unlawfully any Persons committed to Prison for Treason, 11 *H.* 6. 5. *Bro, Treason* 11.

One that is *Non compos mentis* may commit Treason.

If two or more conspires to commit Treason, and one of them executes it, this is Treason in them all.

Any Persons maintaining or extolling the Authority of the Church of *Rome* within any the Kings Dominions, the Procurers, Counsellors, Aiders or Maintainers shall for the first Offence incur the danger of a *Premunire*; and for the second Offence of High-Treason, 1 *Eliz. cap.* 1. All these following Offenders are within the same danger, *viz.* such as bring over any Books that shall set forth, maintain or defend any such Authority, Readers and Bearers of them, that shall justifie them, such as shall deliver any such Books to others with allowance and liking of the same; and also the Printers and Utterers of them within this Realm, *Dyer* 282.

The refusal of the Oath of Supremacy, after lawful tender, the first Offence is *Premunire*, the second High-Treason, 5 *Eliz. cap.* 1.

The Justices of the Peace in the Quarter Sessions may enquire of all things done against 5 *Eliz. cap.* 1. as Offences against the Peace, and ought to certifie (under the penalty of 100 *l.*) such Presentment into the *Kings Bench* within forty days after, *&c.* if in Term-time, and if not, the first day of the next Term.

The second refusal of the Oath of Allegiance being tendred according to the Act is a *Premunire*, 7 *Jac. cap.* 6. It seems by 3 *Jac. cap.* 4. a refusal in the Sessions without any precedent Tender amounts to a *Premunire*.

One obtaining from *Rome*, and from any claiming Authority from thence any Bull or Writing, and to absolve and reconcile, *&c.* such as shall forsake their due Allegiance to the King, *&c.* or to give or take Absolution by colour of any such Bull, or to grant or promise any such Absolution, *&c.* or use or publish such Bull, *&c.* shall be High-Treason, as well in the Offenders, Procurers, Abetters and Counsellors within the Fact.

To conceal such Bull, Writing or Absolution offered, *&c.* and not to disclose to some of the Privy Council within six Weeks after, shall be deemed misprision of Treason.

To procure, *&c.* from *Rome*, *&c.* any Excommunication, *&c.* against the King, *&c.* or to bring them within the Realm, or receive them, is a *Premunire* in every Offender, Procurer or Abetter, *&c.*

Or here to withdraw any the Kings Subjects from their Obedience, *&c.* is High-Treason. See 34 *Eliz.* 1. 3 *Jac.* 4. and to be willingly absolved, withdrawn, *&c.* is Treason. Vide 23 *Eliz. cap.* 3. *Jac.* 4.

If any Jesuit, Priest, *&c.* born within any of the Kings Dominions, come in, to be, or remain in any of the Kings Dominions is High-Treason.

If any of the Kings Subjects (not being Jesuits or Ecclesiastical) being brought up in any *Seminary* beyond Sea, shall not within six months (after Proclamation made at *London* in that behalf) return into this Realm, and within two days after such (before the Bishop of the Diocess, or two Justices of the Peace of the County where he shall arrive) take the Oath of Supremacy, *&c.* every Person coming otherwise into any of the Kings Dominions shall be adjudged a Traitor, 27 *Eliz. cap.* 2.

To send any relief, *&c.* to any Jesuit or Priest, *&c.* abiding in any *Seminary* beyond Sea is a *Premunire*, *Ibid.*

To bring into the Realm any *Agnus Dei*, Crosses, *&c.* consecrated by the Popes Authority, or offer or deliver them to any of the Kings Subjects, is a *Premunire*, both in the Giver and Receiver, 13 *Eliz.* 2. if he doth not apprehend the Party offering, and bring to the next Justice of Peace, or within three days disclose his Name, and place of Abode to the Ordinary, or some Justice of the Peace of the County, *&c.* and such Justice within fourteen days must disclose the same to one of the Privy Council under pain of a *Premunire*.

So that Thoughts, Words or Acts conceived, spoken or committed against his present Majesty, shall amount to Treason, See the Statute 13 *Car.* 2. *cap.* 1.

'Tis Treason during the War to send or load, or transport or deliver, or cause so to be, for the use of the *French King*, or his Subjects within his Dominions, or for any Port or Place within his Dominions, any Arms, Ordnance, Powder, Bullets, Pitch, Tar, Hemp, Masts, Cordage, Iron, Coals, Lead, or Salt-Peter, and being duly convicted or attainted, shall suffer and lose as in Cases of High-Treason, and 'tis a *Premunire* to send, *&c.* any other Goods or Merchandizes.

'Tis High-Treason, and so they shall lose and suffer who voluntarily go or repair or imbark in any Vessel with an intent to go into *France*, or any Dominions of the French King.

'Tis close Imprisonment, without Bail, during their Majesties pleasure, for their Majesties Subjects voluntarily to come

come or return from *France*, or any of the French Kings Dominions in *Europe* into *England*, or any their Majesties Dominions in *Europe*. Stat. 3 & 4 *W.* & *M.*

Petty-Treason is when a wilful Murder is committed upon a Subject, to whom the Murder gives forth protection and obedience, as if a Servant (though but of thirteen years of age) kill his or their Master, this was adjudged Petty-Treason, *Stamf.* 10. *Bra.* 8. 11 *Co.* 34. *Bro. Treason.*

If a Servant kill his Master a twelve month after he is departed from his Service, this is Petty-Treason, if done upon Malice conceived against him when he was his Servant.

If a Servant procure another to kill his Master, who does it in his presence, this is Petty-Treason in the Servant, and Murder in the other; but if killed in his absence, then the Servant is only Accessory to the Murder.

If the Servant command one to beat his Master, and he kills him, this is Petty-Treason in the Servant if done in his presence, *Com.* 20.

A Servant upon Malice prepensed shoots at another, and missing, by chance kills his Master standing by, this is Petty-Treason in the Servant.

If the Wife maliciously kill her Husband, this is Petty-Treason; so if she and a Servant conspire to kill him, and the Servant does it in her absence, it is Petty-Treason in them both: But if it had been so done by a Stranger she should have been only Accessory to the Murder.

The Wife buys a poisoned Apple in a place on purpose to poison another, and her Husband takes it by chance, and eats and dieth of it within the year and day, this is Petty-Treason in the Wife, for she intended Murder.

A Child kills his Father or Mother, this is Petty-Treason, tho' they gave him neither Meat, Drink nor Wages, *Bacon* 53.

A Bastard killeth his Mother, this seemeth to be Treason, *Cromp.* 21.

The Son or Daughter-in-Law killeth the Father or Mother-in-Law with whom they Dwell, or receive Meat or Drink, but no Wages, this is Petty-Treason, but the Indictment shall be in the Name of a Servant.

It is Petty-Treason in an Ecclesiastical Person that killeth his Ordinary, 19 *H.* 6. 47.

Note, There can be no Petty-Treaſon but where it includes a wilful Murder.

The Judgment in Petty-Treaſon, for a Man is, to be drawn and hanged, for a Woman to be burnt alive.

For Petty-Treaſon the Offender ſhall forfeit his Goods and Chattels, and the King ſhall have the year, day and waſte, and the Lord of the Fee ſhall have the Eſcheat.

The Juſtice of Peace may enquire of Petty-Treaſon, as of Felony out of Seſſions, may deal with the Offender (as with other Felonies) by taking Examination, *&c.*

All Treaſon includes Felony; if the Indictment therefore want (*proditorie*) a Pardon of all Felonies diſcharges it, *Co. Pl. Corom.* 15.

Miſpriſion.

Miſpriſion is when one knoweth that another hath committed, or is about to commit Treaſon or Felony, but was not conſenting thereunto, and will not diſcover it to the King or his Council, or to ſome Magiſtrate, but conceal the Offence, *Stamf.* 37. Stat. 5 *Ed.* 6. *cap.* 11. The puniſhment of miſpriſion of Treaſon, is a perpetual Impriſonment, Forfeiture of his Goods and Chattels, and the Profits of his Eſtates, Lands during his Life to the King. But for miſpriſion of Felony the puniſhment is only in Fine.

The King may cauſe one that hath committed Treaſon or Felony to be indicted only of miſpriſion, for every Treaſon or Felony doth include miſpriſion, *Stamf.* 37. *Cromp* 41. Compounding of a Felony is a miſpriſion of it, *Stamf.* 37.

CHAP. CXXIX.

Trial.

THE moſt ſolemn and ancient Trial of Matters of Fact in this Nation is by a Jury of twelve Men, and this is called in (*Magna Charta cap.* 29.) *legale judicium parium.*

This

This ancient Right was very much altered by 11 *H.* 7. 3, which gave full power to the Justices of Peace upon Information for the King to hear and determine all Offences against Penal Statutes by their own discretion; but the mischief hereof appearing every day more and more then other, 'tis repealed, 1 *H.* 8. *cap.* 1. and some who had been too busie in the execution of the same, lost their Heads for it.

Thus you see the Trial by the Country is revived, and yet in some cases of lesser moment, other ways have been sometimes appointed by Act of Parliament, as

That Justices may examine the Offenders against the Statutes of Liveries, and thereupon convince them as fully as if they were convict by Enquest, 8 *H.* 6. *cap.* 4. 8 *Ed.* 4. *cap.* 2.

The like course may be taken with Persons suspected to keep Deer, Hares, &c. by 19 *H.* 7. *cap.* 11. and in some other cases.

Others may be convicted upon the Testimony of one or more Witnesses, such are,

Users of false and privy Tokens, 33 *H.* 8. *cap.* 1. unlawful Takers of Hawks Eggs, or Swans Eggs, 11 *H.* 7. *cap.* 17. and many more.

Sometimes Trial may be by Certificate, as upon the Statute of Armour, if the Party accused shall allegde that the Furniture lacking, could not be provided within the Realm, this being traversed (as it may be) shall be tried only by Certificate of the Lord Chancellor, &c. 4 & 5 *Ph.* & *M. cap.* 2.

If the Prisoner will demur in Law, upon the Evidence the Justices ought to Record it, that it may be argued, *Fitz. Endit.* 27.

Felons for Forgery, by 5 *Eliz. cap.* 14. after a former Conviction cannot be tried by Justices of Peace, the like Law (as it seems) of a Servant taking his Masters Goods after his death, because they cannot take notice of his default in the *Kings Bench*, 33 *H.* 6. *cap.* 1. So likewise for imbezelling the Records in any Court at *Westminster*, 8 *H.* 6. *cap.* 12. Nor of such as are indicted of Felony before the Coroners, Justices of Gaol-delivery, and of *Oyer* and *Terminer*.

If any Person shall commit an Offence in *Scotland*, which by the Laws of *England* is, or shall be declared to be Petty-Treason, Murder, &c. and shall be apprehended in the Counties of *Northumberland*, *Cumberland*, &c. the Justices of Peace in their Quarter Sessions, or any four

of

of them upon due Examination, and pregnant Proofs, by Warrant under their Hands and Seals ſhall remand and ſend back ſuch Offender into *Scotland*, there to receive his Trial, *&c.* 7 *Jac.* 1.

A *Scotchman* ſhall be tried by a Jury of *Engliſhmen*, and not by an Enqueſt *de medietate linguæ*, and this at Common Law, for he is reputed a Subject and not an Alien, *Dyer* 304 and 357.

The Trial of an Offender ought regularly to be in the County where the Offence was committed, unleſs it be otherwiſe provided by Statute, as by 1 & 2 *Ph.* & *M. cap.* 4. and by ſome others.

But if one ſteal Goods in the County of *A.* and carry them with him into the County of *B.* and be there apprehended, he ſhall be tried and puniſhed for the ſame in that County. See 1 *Jac.* 11.

The Party ſhall be tried where he is apprehended. Trial ſhall be paſſed as ſoon as may be with convenience, eſpecially where the Offender ſtands committed for want of Bail, or becauſe he is not bailable by Law, and this *in favorem libertatis*, and therefore 'tis uſual in ſuch Caſes to indict and try a Perſon the ſame Seſſions, See *Tit. Seſſions*, unleſs the Offender require longer time to be adviſed, or get his Witneſſes, *&c.* But it hath been held formerly, that where one is indicted for breach of a Penal Statute, or for a Nuſance, or other Miſdemeanor, under Felony, he cannot be tried the ſame Seſſions, otherwiſe of Juſtices of Gaol-delivery. But now the Law is held the ſame in both caſes.

By the Statute of 22 *H.* 8. *cap.* 14. which is made perpetual by 32 *H.* 8. the Trial of the Party indicted ſhall be in the County where he is indicted for Murder or Felony, notwithſtanding any Foreign Plea.

See the Statute of 3 *H.* 7. *cap.* 1. That Juſtices of Peace may take an Inquiſition within the year and day after an Offence committed, to enquire of the Concealment thereof by former Enqueſt taken before them.

You cannot indict and try the ſame Seſſions, unleſs by conſent of Parties, unleſs in Caſes Capital, *Jones* 379. *Cro. Car.* 438, 448. 2 *Roll Abr.* 625. 1 *Sid.* 99, 335.

Vintners, vide **Wine.**

CHAP.

CHAP. CXXX.

Wages.

THE Juſtices ought to certifie into *Chancery* their Rates of Wages made at *Eaſter*, though they then only continue the ſame that were the year before, *Dyer* 265. *a. pl.* 3. *Jenk* 235. *pl.* 5.

Action of Debt for Wages lies againſt an Executor, where one is retained that is compellable to ſerve; and in an Action upon the Statute for Wages, a Maſter cannot wage his Law, *Moor* 698. 1 *Brownlow* 62. *Co. Rep.* 9. *fol.* 88.

CHAP. CXXXI.

Warrants.

THE Precept or Warrant of a Juſtice of Peace by Word of Mouth is in ſome Caſes as ſtrong as his Precept in Writing, becauſe he is a Juſtice of Record, *Lamb.* 87.

And therefore where a Riot is done in his preſence he may command the Rioter to be arreſted, and find Sureties, 14 *H.* 7. 8, 9,

So upon an Affray, Aſſault, Threatning or other Breach of the Peace done in his preſence, he may command by word of mouth an Officer or his own Servant to arreſt the Offender. See *Tit. Peace.*

For where it is done by the command of a Juſtice, it is his own Arreſt, he being preſent, *Bro. Faux Impr. Rep.* 301. both at the time of the Offence, and the executing of ſuch Commandment.

But he may command Rioters to be arreſted in his abſence, 14 *H.* 7. 9, 10. See *Tit. Riots.*

A Juſtices Warrant in Writing ought to be made under his Hand and Seal, 14 *H.* 8. 16.

If it be ſuch Warrant as requires the finding of Sureties, *&c.* the cauſe of the granting muſt be inſerted in it, that ſo the Party may provide them.

It

It is not ſafe for a Juſtice of Peace to grant blank Warrants where he knows neither the Parties Name nor the Matter, and for ſo doing a Juſtice was fined, as Mr. *Cromp.* Reports.

The Warrant muſt expreſs the year and day when it was made, and it is alſo requiſite that place be named, *Lamb.* 19. 21 *H.* 7. 22.

A Juſtice may make his Warrant to the Sheriff for bringing of a Perſon the next Seſſions to find Sureties for the Peace, &c. *Cromp.* 135, 136.

He may likewiſe grant his Warrant for a Perſon to appear at the next Seſſions to give Evidence for the King, and if he do not appear, a Precept ſhall go out from that Seſſions to attach him for ſuch Contempt, *Cromp.* 123.

A Juſtice may not grant his Warrant to attach Perſons ſuſpected of Felony, &c. or Offenders upon a Penal Statute, unleſs ſuch Perſon be firſt thereof indicted, for being Judge of Record, he ought to have ſome Record whereupon to ground his Proceſs, 14 *H.* 8. 16. *Bro. Peace* 6. *Bro. Commiſſion* 3.

No Juſtice can grant a Warrant to break any Mans Houſe to ſearch for a Felon or ſtollen Goods, &c. for they are conſtituted by Act of Parliament, which gives no ſuch Authority.

A Juſtice may direct his Precept to the Sheriff, Conſtable, or other Officer, or to any indifferent Perſon whatſoever, 14 *H.* 8. 16. *Bro. Peace* 6.

A Warrant may be directed to an Officer and a private Perſon jointly, and either of them may execute it, becauſe 'tis for the Execution of Juſtice, and ſo for the Publick Good, *Cromp.* 147.

If a Juſtice directs his Warrant to the Sheriff, he may by word only command his Under-Sheriff, Bailiff or known Officer to ſerve it, and a Servant ſo his own, by his command, may execute it, *Lamb.* 91. *Bro. Faux Imp.* 43. *Bro. Treſ.* 339. 8 *Ed.* 4. 14. 9 *Co.* 69.

Note, Every Perſon to whom a Warrant is directed ought to execute it with ſpeed and ſecrecy.

Note alſo, That a ſworn and known Officer need not ſhew his Warrant to the Perſon upon whom he ſerves it, but if directed to a private Perſon it muſt be ſhewed, if demanded, or elſe ſuch Perſon may make reſiſtance, *Bro. Faux Imp.* 23. and the Officer muſt declare the Contents of his Warrant, 6 *Co.* 54. and 9. 68.

If

If a Person say, I arrest you in the Kings Name, &c. the party ought to obey him though he know not whether he be an Officer or no, and if it appear after that he was none, a false Imprisonment lies against him, but otherwise it is where the party knows that he is no Officer, *Co. Lit.* 9. 69.

If a Warrant is made to apprehend *J. S.* and there be several of the same Name, and he arrest the wrong person, for this he is liable to an Action of false Imprisonment.

If an Officer arrest a person for the Peace, &c. without any Warrant, and afterwards a Warrant thereof comes to his Hands, yet the Arrest was wrongful, and he is subject to an Action of false Imprisonment, 43 *Eliz. cap.* 6. *Dyer* 244. *Bro.* 248. *Lamb.* 93.

If a Warrant be against *J. S.* the Son of *W. S.* and the Officer arrest *J. S.* the Son of *T. S.* though this be the Offender, yet it is False Imprisonment, 10 *Ed.* 4. 12. *Bro. Faux Imprisonment* 38.

If an Officer by Warrent arrest a Man, and let him go upon ——to appear, &c. though he appear not, the Officer cannot take him again by virtue of that Warrant, for it was once executed; but if the party had made his Escape, he might take him again upon fresh pursuit, though in another County, *Cro. Cro.* 148, 212.

If a Justice grant a Warant for a Matter whereof he hath Jurisdiction though beyond his Authority, it must be obeyed by the Officer, as to arrest one for the Peace or Good Behaviour, though there be no cause for it; but if a Justice grant a Warrant for a Matter whereof he hath no Conusance, the Officer ought not to obey it, and he is to take notice of it at his peril, 22 *Ass.* 64. *Plowd.* 394. 1 *Bro.* 106. 10 *Co.* 76. 14 *H.* 8. *f.* 16. *Bro. Faux Imprisonment* 8. *Lamb.* 67, 94. *Cromp.* 74.

A common Warrant to answer to such things as shall be objected against him and against Law, 2 *Inst.* 591. But must contain the Cause, *Ibid.* And a *Mittimus* must conclude, until he is delivered by due Order of Law, 2 *Inst.* 592.

A Justice of the Peace cannot command his Servant to arrest one in his absence without a Warrant in writing, 1 *Brownl.* 205.

If a Rate be unduly taxed the Warrant of a Justice of Peace for the levying thereof will not excuse the Officer, *Cro. Car.* 395.

Where Sureties are to be required, the Warrant ought to contain the special Cause whereupon its granted, *Palm.* 558.

Where

Where a Statute gives power to a Juſtice of Peace to require any perſon to take an Oath, the Law implicitely gives him power to make a Warrant to have the Body before him, 12 *Co.* 130.

A Warrant may be made to bring before a particular Juſtice, 5 *Co. Rep. fo.* 59. *Hoſters* Caſe.

But if the Warrant be to bring before him or any other Juſtice, it is at the Election of the Officer to go to which Juſtice he will, *Ibid.*

If a Juſtice purſue not the Statute, there his Act is void, but if he purſue it, then neither *Kings-Bench* nor Juſtices of the Peace can diſcharge him, *Jones* 170.

One Juſtice cannot commit another Juſtice for breach of the Peace, but Seſſions of the Peace may, *Jenk.* 174.

Juſtices not to impriſon but in the Common Gaol, 9 *Co. Rep. fo.* 119. *b.* 2 *Brownl.* 41.

CHAP. CXXXII.

Watch.

IN great Towns walled, the Gates ſhall be ſhut from Sun-ſetting until Sun-riſing, and none ſhall lodge in the Suburbs, except his Hoſt will anſwer for him, 5 *H.* 4. *cap.* 5. 5 *Ed.* 3. *cap.* 5.

Every Juſtice may cauſe Night-watch to be duly kept for the arreſting of perſons ſuſpected, and Night-walkers of evil Fame or Behaviour, and that by the firſt *Aſſignavimus* in his Commiſſion. This Watch muſt be kept in every Town, from Sun-riſing to Sunſetting from the Feaſt of the Aſcenſion until *Michaelmas*, 13 *Ed. Lamb.* 190. See what the Duty of a Watchman is, *Tit.* Arreſt, *Civ. Stat.* 13 *Ed.* 1 *cap.* 1.

1. No Man is compellable to watch except he be an Inhabitant in Town, 3 *Leon.* 208. *Cro. Eliz.* 204. 3 *Cro.* 204.

2. Such Inhabitants are not to watch as the Conſtable ſhall direct, but according to uſage, for the Statute of *Winchester* is expreſs, that Watches ſhall be kept as hath been uſed in times paſt, which is commonly by the Houſe.

3. If a Perſon who ought to watch being commanded ſo to do by the Conſtable, ſhall refuſe, he may ſet him in Stocks; yet *Quære*; or the Conſtable may preſent him at the

the Assize or Sessions, or complain of him to a Justice, who shall bind him to the Sessions, 3 *Leon.* 208. *Cro. Eliz.* 204.

Note, That Watching is properly for the Night, and Warding for the Day time, and both of them must be performed by Men of able Bodies and sufficiently weaponed.

Warding is for the apprehending of Rogues, and such evil Members, and therefore is of great use and must be left to the discretion of Constables and Justices to appoint or alter it according to their discretion.

Watchmen may arrest Nigh-walkers, 4 *H.* 7. 2.

A Watch imposed by the *Kings-Bench*, and a Tax towards it, 1 *Syd.* 218.

CHAP. CXXXIII.

Weavers.

NONE using the Trade of Cloth-working out of a City or Burrough, &c. shall keep above one Loom in his Possession, or make Profit of setting and letting of a Loom, or forfeit 20 *l.* 2 & 3 *Ph. & M. cap.* 11.

No Woollen-Weaver living out of a City, &c. shall keep above two Looms, or make profit by any other Loom, or forfeit 20 *s.*

None using the Trade of a Weaver and not Cloth-working shall keep a Tucking-Mill, or use the Trade of Tucker, Fuller, or Dyer, or forfeit for every Week 20 *s.*

No Fuller or Tucker shall keep a Loom or make profit thereby, or forfeit 20 *s.* for every Week.

No Woollen-Weaver living out of a City, &c. shall take any Apprentice, &c. except his own Son, or such a one whose Parent hath 3 *l. per annum* in Lands, and for every three Apprentices shall keep one Journy-man, 5 *Eliz. cap.* 4.

No person shall use the Trade of a Weaver, &c. except he hath been an Apprentice, or used the Trade seven years.

The Forfeitures shall go to the Queen and the Prosecutors.

Note, The Statute of 5 & 6 *W.* & *M. Sess.* 1. *cap.* 3. hath repealed that Clause of 5 *Eliz.* concerning the taking Apprentices in Woollen Manufactures.

CHAP.

CHAP. CXXXIV.

Weights and Measures.

TWO Justices (*Quorum unus*) may hear and determine the faults of Officers in City, &c. who do not twice every year examine all Weights and Measures within their Jurisdiction, and break and burn the defective, 11 *H.* 7. *c.* 4. *Lamb.* 345.

Two Justices may determine the Faults of such as buy and sell by unlawful Weights and Measures, and may fine the Offenders, and issue Process against them as if indicted of Trespass.

To buy by an heavier Weight and to sell by a lighter is abominable in the sight of God, *Prov.* 20. *vers.* 10.

By the Statute of *Magna Charta cap.* 25. there shall be but one Weight and one Measure of Corn, Wine, Beer and Ale, and one Yard throughout the Realm, See 17 *Car. cap.* 19. whosoever shall keep or sell by any unlawful Weight, Measure or Yard shall forfeit 5 *l.* for every Offence, being convict by one Witness before any Justice of Peace, &c. to the use of the Poor, and levied by Distress, &c.

It is now provided by 22 *Car.* 2. *cap.* 8. and 22 and 23 *Car.* 2. *cap.* 12. that all Salt and Grain be sold by *Winchester*, containing eight Gallons to the Bushel, and the Bushel to be striked to the brim by the Seller, on pain to forfeit 20 *s.* for every Offence.

If a Mayor, &c. shall willingly permit, &c. any other Measure to be used, or otherwise upon complaint, shall not duly punish and reform the same, shall forfeit 5 *l.* to the Poor and Informer, to be levied by Distress, &c.

Clerk of the Market neglecting to seal shall forfeit for the first Offence 5 *l.* for the second 10 *l.* and his Fee of sealing shall be but 1 *d.* only.

Buyers of Corn in Markets by the Bag or unmeasured, being thereto required, shall forfeit the value.

Upon Complaint hereof the Defendant shall prove that he bought the Corn according to the Statute, such as are to have the benefit of the Market ought to seal. Rent Corn, &c. shall be paid by such Measure as formerly.

A Clause in the Statute of 17 *Car.* 1. *cap.* 19. touching Water-Measure is repealed.

The Duty of the Clerk of the Market.

Of

Of the Kings Houſhold and of the Duke of *Cornwal* ſhall execute their Office within the Verge only, and Mayors, &c. within their Liberties, 17 *Car. cap.* 19.

Clerk of the Market not ſealing ſuch Weights, &c. as are according to their Standard, and that for their uſual Fees ſhall forfeit 5 *l.* if they by colour of their Office ſhall take any other Reward, &c. Or ſhall ſet any Fine, &c. or ſhall otherwiſe miſdemean themſelves, they ſhall forfeit 5 *l.* for the firſt Offence, 10 *l.* for the ſecond, and 20 *l.* for every further Offence, *Ibid.*

Notwithſtanding the Statute of *Magna Charta*, and other Statutes, there always hath been, and ſtill are two kinds of Weights in *England*, and warranted, *Troy* Weight and *Averdupois*.

Firſt, *Troy* Weight, This is by Law, and hereby are weighed Gold, Silver, Pearl, Precious Stones, Silks, Electuaries, Bread, Wheat and Grain; and containeth twelve Ounces or twenty Shillings Sterling Weight and no more; it is called *Libra medica*, or *Libra unica Trojana*.

Secondly, *Averdupois* Weight, This is by Cuſtom yet confirmed by the Statute of 27 *Ed.* 3. *cap.* 7. and hereby are weighed all Grocery Wares, Drugs, Butter, Cheeſe, Fleſh, Wax, Pitch, Tar, Tallow, Wools, Hemp, Flax, Iron, Steel Lead, and as it ſeems all Commodities not before named, eſpecially things that are to be garbled, and whereof comes refuſe; this is called *Libra Civilis*, and hath ſixteen Ounces, or twenty five Shillings Sterling Weight to the Pound.

It is a *French* Word, and is as much as to have full Weight, and to every Hundred is allowed twelve pounds *pro rata*.

Meaſure of Corn according to Averdupois *Weight.*

Averdupois Weight

- 14 Ounces and an half and two pence Weight *Troy* do make 16 Ounces *Averdupois*.
- 7 Pounds or Pints } *Averdupois* make the Gallon.
- 14 Pounds or Pints } *Averdupois* make the Peck.
- 16 Pounds or Pints } *Averdupois* make the Buſhel.

Measure of Grain according to Troy Weight.

Troy Weight	Pints or Pounds,	5120	512	256	64	16	8	4
	Quarts,	2560	256	128	32	8	4	2
	Pottles,	1280	128	64	16	4	2	1
	Gallons,	640	64	32	8	2	1	
	Pecks,	320	32	16	4	1		
	Bushels,	80	8	2	1			
	Coombs,	20	2	1				
	Quarters,	10	1					

Ten Quarters of Corn is a Last.

Measures of Beer and Ale.

	Beer Measures.						Ale Measures.			
Pints,	288	144	72	8	4	2	256	128	64	8
Quarts,	144	72	36	4	2	1	128	64	32	4
Pottles,	72	36	18	2	1		64	32	16	2
Gallons,	36	18	9	1			32	16	8	1
Firkins,	4	2	1				4	2	1	
Kilderkins,	2	1					2	1		
Barrel,	1						1			

See for Corn, Beer and Ale more fully in that which follows,

Troy Weight 12 *H.* 7. 15. & 51 *H.* 3.

Thirty two Wheat Corns taken in the midst of the Ear weigh one penny Sterling. } Troy Weight

Twenty Pence Sterling make the Ounce Troy

Twelve Ounces make in } Weight one pound Troy. Measure on Pint. } Measures.

Two Pints or Pounds make the Quart.
Two Quarts make the Pottle.

Eight Pints, Four Quarts, Two Pottles } make the Gallon.

Eight Quarts make the Peck.

Troy

Troy Weight:

- Sixty four Pints, Thirty two Quarts, Eight Gallons, Four Pecks — make the Buſhel or Firkin.
- Sixteen Gallons, Two Firkins — make the Kilderkin, Half Barrel, Rondlet.
- Two hundred fifty ſix Pints, One hundred twenty eight Quarts, Thirty two Gallons, Four Firkins, Two Kilderkins, Four Buſhels — make the Coomb or Barrel.
- Five hundred and twelve Pints, Two hundred fifty ſix Quarts, Sixty four Gallons, Eight Firkins, Four Kilderkins, Two Barrels, Eight Buſhels — make the Quarter or Hogſhead.

So the Pint and Pound, Firkin and Buſhel, Barrel and Coomb, Hogſhead and Quarter are of like content.

Alſo the Statute of 23 *H.* 8. *cap.* 4. doth limit the Weight of every of theſe three Veſſels here next named, being empty, as followeth, *ſc.*

1. The Barrel
2. The half Barrel or Kilderkin
3. The Firkin

must weigh being empty 26, 13, $6\frac{1}{2}$ Pounds.

The Buſhel muſt contain eight Gallons or ſixty four Pounds or Pints of Wheat, 31 *Ed.* 1. 12 *H.* 7.

Eight Buſhels ſtriken make a Quarter of Corn, 11 *H.* 7. *cap.* 4. 25 *Ed.* 3. *cap.* 10. 34 *Ed.* 3. *cap.* 6.

Water-Meaſure ſold on Ship-board, ſhall contain five Pecks ſtriken to the Buſhel.

The Clerk of the Market muſt carry with him all Weights and Meaſures ſigned according to the Standard,

and ought to have his directions with him out of the *Exchequer*, and one Juſtice at the leaſt ought to ſit with him to ſee that the Kings Subjects be not wronged.

It was reſolved by all the Juſtices, *M.* 39 and 40 *Eliz.* That if the Clerk of the Market take any Fee for examining or viewing, &c. before ſealed, the ſame is Extortion, *Moor Rep.* 523.

It is the Duty of the Clerks of the Market to take Charge of the Kings Meaſures, as the Examples and Patterns of all the Meaſures throughout the Realm, as of Ells, Yards, Buſhels, Pecks, Gallons, Pottles, Quarts, Pints, &c. *Fleta lib. cap.* 8, 9, &c. And theſe he muſt have with him when he goes to aſſay Weights and Meaſures, 16 *R.* 2. *cap.* 3.

For the Aſſize of Bread take theſe few Obſervations following, and for your fuller Information ſee the Book made for the Aſſize thereof.

1. *Note*, That all ſorts of Bread muſt be weighed by *Troy* Weight.

2. *Poſt ſeptem dies Panes non penderetur.*

3. The Baker ſhall ſell to Victuallers, &c. thirteen peny worth of Bread for twelve pence both of Manu-Bread and Horſe-Bread.

4. Every Baker ſhall have a Mark upon his own Bread.

5. Every ſort of Bread ſhall be weighed according to the price of the middle ſort of Corn.

6. None ſhall be a Common Baker except he hath been an Apprentice ſeven years to the Trade.

7. He ought to make three ſorts of Bread for the Subjects, *viz.* White Bread, Wheaten and Brown Bread, beſides Horſe-Bread.

8. The Bakers of Cities and Towns Corporate ſhall have 6 *s.* allowance for baking of every Quarter of Wheat over and above the ſecond price of Wheat in the Market.

9. Bakers inhabiting out of Cities, ſhall have 4 *s.* allowance for their Charges in baking every Quarter, &c.

10. Foreigners ſhall weigh ſix Ounces in the peny Loaf more than the Town-ſellers, for that they bear not ſuch Scot and Lot as others do.

11. Three Horſe-Loaves ſhall be ſold by the Baker for a peny, thirteen pence for twelve pence, and every of theſe Loaves ſhall weigh the full Weight of a peny white Loaf whatever be the price of Wheat.

If a Baker offend he ſhall to the Pillory, and the Brewer to the Tumbrel, as Mr. *Lambert* hath it, *fol.* 62.

And therefore within every Leet or Market there ought to be a Pillory and Tumbrel to puniſh the Offenders, *F. ab Leet*

Leet 12. and for want thereof the Lord of the Leet or Market ſhall make Fine to the King, *Cro. Car.* 149.

They which have the Correction of the Aſſize of Bread and Beer, if they have not a Pillory and Tumbrel, ſhall forfeit the Franchiſe, *Cro. Car.* 148.

If the Steward of a Leet ſhall take Mony of an Offender in the Aſſize of Bread or Ale, to ſpare the puniſhment of the Tumbrel, the Leet ſhall be ſeized into the Kings Hands, *Crompt.* 181.

The Millers Toll-diſh ought likewiſe to be according to the Standard: Millers ought to take their Toll but the twentieth part or twenty fourth part according to the ſtrength of their Water, *Stat.* 3 *Ed.* 1. *de Victuallers.*

In ſome places the Miller claims the ſixteenth part, as by the Cuſtom of the place, *tamen Quære.*

The Miller ought to take but one Quart for grinding one Buſhel of hard Corn, and if he fetch and carry back the Griſt to the Owner, he may take two Quarts. Now hard Corn is intended Wheat, Rye and Meſlin, and for Mault he ſhall take but half ſo much Toll as he takes for hard Corn, for Mault is more eaſily ground; but if he fetch and carry back the Mault he ſhall have double Toll, *Crompt.* 221, 224.

Millers are not to be Common Buyers of Corn, to ſell the ſame in Corn or Mault.

Meaſures of Wine, Beer and Ale, &c.

Wine, Oyl and Hony	their Meaſures are all one	Ronlet, 16 and di.		Gallons.
		Barrel, 32 and di.		
		Hogſhead,	63	
		Pipe,	126	
		Tun,	252	

Yet for Hony the Aſſize is altered to 32 Wine Gallons the Barrel, 16 Gallons the Kilderkin, &c. 23 *Eliz.* 8. *P. Wax* 6.

Beer, the Meaſure thereof is as followeth, *ſc.* the	Firkin,	9	Gallons.
	Kilderkin,	18	
	Barrel,	36	

And ſo Beer-Meaſure containeth in the Barrel four Gallons more than Wine, or any other Veſſel.

Ale, the Meaſure thereof is as followeth, *ſc.* the { Firkin, 8 / Kilderkin, 16 / Barrel, 32 } Gallons.

No Cooper ſhall make any other Veſſel for Beer, or Ale, to be ſold within this Realm of any greater or leſſer number of Gallons than is aforeſaid, unleſs he ſhall cauſe to be marked upon every ſuch Veſſel (of greater or leſſer number of Gallons) the true and certain number, how many Gallons every ſuch Veſſel ſhall contain, 23 *H.* 8. *cap.* 4.

No Brewer ſhall put any Beer or Ale (to be ſpent in this Realm) in any other Veſſel than is ſo marked as above-ſaid, and every of them muſt contain as many Gallons as aforeſaid, *Ibid.*

The Wardens of Coopers in all Cities, &c. where there be ſuch Wardens, and in all other Towns or Burroughs, the Mayor, Sheriff, Bailiff, Conſtable or other Head Officer, may ſearch and gage all ſuch Veſſels, &c. whether they be of ſuch ſize as aforeſaid, and if they find any Veſſel defective, they may mark or amend the ſame, or elſe cauſe the ſame to be burned, *Ibid.*

It was agreed by all the Juſtices (as it is reported by Mr. *Crompton*) that the ſame Meaſure ſhould be for Wine and Ale, and ſince by the Statute of 1 *Jac. cap.* 9. it is provided that Ale, &c. be ſold by retail by one and the ſame Meaſure, *viz.* by the Ale-Quart.

By the Statute of 23 *H.* 8. *cap.* 4. Two Juſtices of Peace in the County, or the Mayor or other Head-Officer in Towns Corporate may aſſeſs the Prices of all Veſſels for Beer and Ale; But now by the Statute of 8 *Eliz. cap.* 9. The Aſſeſsment of the Prices thereof ſhall be by the major part of the Juſtices at their *Eaſter* Quarter Seſſions; And that only of Veſſels made and ſold out of the Cities and Towns Corporate.

The Barrel, half Barrel and Firkin of Soap, ſhall be of the ſame Content and Meaſure that Ale is, *viz.* one Barrel to contain thirty two Gallons or above, and the empty Veſſels not to weigh above twenty ſix pounds, the empty Firkin not to weigh above ſix pounds and an half, and to contain eight Gallons at leaſt.

Butter ſhall be ſold by the ſame Meaſure that Soap is ſold by, 14 *Car.* 2. *cap.* 26.

A Weigh of Cheeſe muſt contain thirty two Cloves, every Clove eight pound of *Averdupois* Weight.

Every

Every pound of Beef and other Fleſh muſt contain ſixteen ounces *Averdupois*, and eight of ſuch pounds make a ſtone.

Barrel, &c. of Herrings ſhall be of the ſame content that Ale is of, 11 *H.*7. *cap.* 23. 13 *Eliz. cap.* 11.

Herrings alſo may be ſold by tale, *ſc.* ſix ſcore being to the hundred, ten hundred to the thouſand, and ten thouſand to the Laſt, 31 *Ed.* 3. *cap.* 2.

For contents of Veſſels for Salmons and Eels, *Vide Stat.* 11 *H.* 7. *cap.* 23.

Fourteen pound weight of Wool goes to the Stone, twenty eight pounds makes a —— and twenty ſix ſtone goeth to the Sack, 11 *H.* 7. *cap.* 4.

Twenty pound weight of Hemp maketh a ſtone, 21 *H.* 8. *cap.* 12.

Eight pound of Sugar, Spice and Wax, maketh the ſtone, and thirteen ſtone and a half are a hundred pounds, maketh the hundred, *Raſtal weight* 8.

Of Hops five ſcore and twelve pounds make the hundred.

For weight of Lead, ſee *Raſtal weights* 8. and there alſo for the contents of Iron, Glaſs, Linnen-Cloth, &c.

All other Commodities of tale or number are to be ſold by the hundred.

Cattle and Fiſh are ſold ſix ſcore to the hundred, only Bard-fiſh muſt contain eight ſcore.

All headed Things, as Nails, Pins, &c. muſt be ſold ſix ſcore to the hundred.

All other things whatſoever have but five ſcore to the hundred.

A Sack of Coal is four Buſhels; Now for the aſſiſe of Coal, Tallow, Billet and Faggot, See the Statute of 7 *Ed.*6. *cap.* 7. 43 *Eliz. cap.* 14. 16 & 17 *Car.* 2. *cap.* 2. 2 *W.* & *M. cap.* 7.

Timber well hewed and ſquared, fifty foot of it makes a Load.

Lath contains five foot in length, two Inches in breadth, and half an inch in thickneſs.

Six ſcore Tiles go to a hundred; for the aſſiſe thereof ſee 17 *Ed.* 4. *cap.* 7.

Ten Ream make a Bale of Paper, a Ream is twenty Quire, a Quire is twenty five Sheets.

A Roll of Parchment is five Dozen, or ſixty Skins.

Three Barley Corns meaſured from end to end, or four in thickneſs, make an Inch.

Four inches make an handful, 7 *H.* 8. 6.

Twelve inches go to a foot.
Three foot to a yard.
Three foot nine inches to an ell.
Five foot make a geometrical pace.
Seven foot make a Fathom.

Five yards and half (which is ſixteen foot and an half) make a Pole, Rood or Pearch, *Ibid.*

And yet the Pole varies by uſage in many Countries, in ſome 'tis eighteen foot, in ſome one and twenty foot, in ſome twenty four foot, and if a Man ſell Land by the Acre, it ſhall be meaſured according to the uſage of the place, and not according to the Statute, 6 *Co.* 67. 43 *Ed.* 3. *f.*18. *Crom. des Court, f.* 2, 3, & 222.

Note, That no Meaſure ſhall be ſealed but the Buſhel, half Buſhel, Peck, Gallon, Pottle, Quart and Pint, *Cromp.*222.

Forty Pole in length maketh a Furlong, eight Furlong (or three Pole) make an *Engliſh* Mile, 35 *Eliz. cap.* 5.

Our *Engliſh* miles contain two hundred and eighty foot more than the *Italian*, the *Italian* mile being of a thouſand paces, and five foot to a pace, ſo that it is in length five thouſand foot, and our miles five hundred and eighty foot which is one thouſand ſeven hundred and ſixty yards.

Forty foot in length and four foot in breadth (or a hundred and ſixty pole) do make one, as *Stat. compoſit. ulnarum*, and Stat. 34 *Ed.* 1. and 9 *Co.* 124.

In the principal Shire-Town, at leaſt there ought to be Standards of Braſs for Weights and Meaſures, ſo for the Buſhel and Gallon, according to the Kings Standard, by the granting of which every Market-Town in the ſame Shire ought to have their common Weights and Meaſures to be marked by him who keeps the Standard, 11 *H.* 4. 12 *H.* 7. *cap.* 5. upon pain of 5 *l.* to every City and Borough; and of 40 *s.* to every other Town for default, See 11 *H.*6. *cap.*8. 8 *H.* 6. *cap.* 5.

And no Perſon ought to buy or ſell by any other Weight or Meaſure, whether within a Market or without it, and the ſame ſhall be likewiſe ſealed, or forfeit the Goods and two years Impriſonment, to be fined and ranſomed, and yield quadreble damages, *Cromp.*94. *Raſtal Tit. Weights.*

For the Fees to the Clerk of the Market for ſealing all Weights and Meaſures, See Stat. 21 *H.*7. *cap.*4. &c.

CHAP.

CHAP. CXXXV.

Wine.

NONE to ſell or demand a greater price for any French Wine, or Wines ſo reputed, or other Wine mixed with French Wines, than 6 *d.* the Quart and no more, and ſo proportionably for a greater or leſſer quantity upon penalty of 5 *l.* for every Quart, or a greater price, than which is above mentioned, is either demanded or taken, and 10 *l.* the ſecond Offence, to be recovered by Bill, Plaint, or Information, 1 *W.* & *M.*

None ſhall ſell or utter by Retail, in or by any Glaſs-Bottle or Bottles, or in or by any other Retail Meaſure not made of Pewter, and ſealed according to Law, any kind of Wine or Wines whatſoever, or any other Liquor expoſed to ſale for Wine, or ſhall ſell the ſame at a greater price than by the aforementioned Act is appointed, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of two credible Witneſſes before a Juſtice of Peace of the County within thirty days, ſhall pay 50 *s.* for every Offence upon demand, if not paid, to be levied by diſtreſs by a Juſtice of Peaces Warrant, or the Juſtice before whom ſuch Conviction ſhall be made, rendring the over-plus, for want of diſtreſs to be committed to Gaol without Bail until he pay the Mony and Penalty, and all neceſſary Coſts and Charges of Conviction and Proſecution, the Coſts to be taxed by the Juſtice or Juſtices before whom the ſaid Conviction was made, 2 *W.* & *M. cap.* 14.

An Offender puniſhed by this Act, not to be puniſhed by any other for the ſame Offence; no *Certiorari* to be granted or allowed.

The next Juſtice may commit to priſon ſuch as ſhall beat or abuſe the Officers or Informers, ſuch as ſhall act in their Aid, *&c.* by this or the firſt Act, to remain till next Quarter Seſſions; the Seſſions may puniſh the Offenders by Fine not exceeding 5 *l.* and the Offender to remain in Priſon till he be diſcharged both of the Fine and Impriſonment by order of the ſaid Juſtices, or any two of them.

CHAP.

CHAP. CXXXVI.

Witneſs.

A Suborner of Perjury is for ever diſabled of being a Witneſs, Stat. 5 *Eliz. cap.* 95.

Parties to be ſuſpected in Uſurious Contracts ought not to be a Witneſs, though others inform 12 *Co.* 69.

A Witneſs challenged for being a Pickpocket, and a good Challenge, 21 *Car.* 2. *B. R.*

One whipped for Petty Larceny not allowed for a Witneſs.

The Names of the Principal Towns in every Shire (or County) appointed to have the keeping of Standards for the Weights and Meaſures according to theſe Statutes.

Bedfordſhire, Town of *Bedford.*
Barkſhire, the Town of *Reading.*
Briſtol, the ſame Town.
Buckinghamſhire, the Town of *Buckingham.*
Cambridge, Univerſity of *Cambridge.*
Cheſhire, the City of *Cheſter.*
Cornwal, the Town of *Laſtyohiel.*
Cumberland, the City of *Carlile.*
London, the ſame City.
Middleſex, the City of *Weſtminſter.*
Norfolk, the City of *Norwich.*
Northamptonſhire, the Town of *Northampton.*
Northumberland, the Town of *Newcaſtle.*
Nottinghamſhire, the Town of *Nottingham.*
Oxfordſhire, the Univerſity of *Oxford.*
Derbyſhire, the Town of *Derby.*

Devon-

Devonſhire, the City of *Exeter*.
Dorſetſhire, the Town of *Dorcheſter*.
Eſſex, the Town of *Chelmsford*.
Glouceſterſhire, the Town of *Glouceſter*.
Hampſhire, the City of *Wincheſter*.
Hertfordſhire, the Town of *Hertford*.
Herefordſhire, the Town of *Hereford*.
Huntingdonſhire, the Town of *Huntingdon*.
Kent, the Town of *Maidſtone*.
Lancaſhire, the Town of *Lancaſter*.
Leiceſterſhire, the Town of *Leiceſter*.
Lincolnſhire, the City of *Lincoln*.
Rutlandſhire, the Town of *Uppingham*.
Shropſhire, the Town of *Shrewsbury*.
Cinque Ports, the Caſtle of *Dover*.
Staffordſhire, the Town of *Stafford*,
Somerſetſhire, the Town of *Ilcheſter*.
Southampton, the ſame Town.
Suffolk, St. *Edmundsbury*.
Surrey, the Town of *Gilford*.
Suſſex, the Town of *Lewes*.
Warwickſhire, the Town of *Coventry*.
Weſtmorland, the Town of *Appulby*.
Wiltſhire, the City of *Salisbury*.
Worceſterſhire, the City of *Worceſter*.
Yorkſhire, the City of *York*.
Statute of 11 *H.* 7.

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A

COLLECTION

Of Authentic uſeful

PRECEDENTS

IN ALL

CASES,

Which do properly concern, or are relating to,

THE

OFFICE

OF A

Juſtice of the Peace.

TOGETHER

With Indictments for not repairing of HIGH-WAYS and BRIDGES.

Continued to this time.

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PRECEDENTS
IN ALL
CASES
Relating to the
OFFICE
OF A
Juſtice of Peace, &c.

Part II.

The Form of the Commiſſion of Peace.

GUlielmus *tertius*, &c. *Prædilecto & fideli* Johanni Somers *Mil. Cuſtod. magni ſigilli Angliæ*, &c. *ſalutem.*

Sciatis, quod aſſignavimus vos, conjunctim & diviſim & quemlibet veſtrum, Juſticiarios noſtros ad pacem noſtram in Comitatu noſtro Devoniæ conſervandum: Ac ad omnia ordinationes & ſtatuta pro bono pacis noſtræ ac pro conſervatione ejuſdem, & pro quieto regimine & gubernatione populi noſtri edita, in omnibus & ſingulis ſuis articulis in dicto Comitatu noſtro (tam infra libertates, quam extra) juxta, formam & effectum eorundem cuſtodiendum, & cuſtodiri faciendum. Et ad omnes contra formam ordinationum vel ſtatutorum illorum aut eorum alicujus, in Com. præd. delinquentes, caſtigandum & puniendum, prout ſecundum formam ordinationum & ſtatutorum illorum fuerit faciendum, & ad omnes illos, qui alicui, vel aliquibus de populo noſtro de corporibus ſuis, vel de incendio domorum ſuarum, minas fecerint,

ad ſufficientem ſecuritatem de pace vel bono geſtu ſuo, erga nos & populum noſtrum inveniendum coram vobis, ſeu aliquo veſtrum veniri faciendum. Et ſi hujuſmodi ſecuritatem invenire recuſaverint, tunc eos in priſonis noſtris (quouſq; hujuſmodi ſecuritatem invenerint) ſalvo cuſtodiri faciendum.

Aſſignavimus etiam vos & quoſlibet duos, vel plures veſtrum (quorum aliquem veſtrum, A. B. C. D. E. F. *&c. unum eſſe volumus) Juſticiarios noſtros, ad inquirendum per ſacramentum proborum & legalium hominum de Comitatu prædicto (per quos rei veritas melius ſciri poterit) de omnibus & omnimodis feloniis, veneficiis, incantationibus, ſortilegiis, arte magica, tranſgreſſionibus, foreſtallariis, regratariis, ingroſſariis & extortionibus quibuſcunq; Ac de omnibus & ſingulis aliis malefactis & offenſis (de quibus Juſticiarii Pacis noſtræ legitime inquirere poſſint, aut debent) per quoſcunq; & qualitercunq; in Comitatu prædicto factis ſive perpetratis, vel impoſterum ibidem fieri, vel attemptari contigerit: Ac etiam de omnibus illis qui in Comitatu prædicto in Conventiculis contra pacem noſtram, in perturbationem populi noſtri, ſeu vi armata ierint, vel equitaverint, ſeu impoſterum ire vel equitare præſumpſerint: Ac etiam de omnibus his qui ibidem ad gentem noſtram machinandum, vel interficiendum in inſidiis jacuerunt vel impoſterum jacere præſumpſerint: Ac etiam de hoſtelariis, & aliis omnibus & ſingulis perſonis, qui in abuſu ponderum vel menſurarum, ſive in venditione victualium, contra formam ordinationum & ſtatutorum vel eorum alicujus, inde pro communi utilitate Regni noſtri Angliæ, & populi noſtri ejuſdem, editorum deliquerunt, vel attemptaverunt, ſeu impoſterum delinquere, vel attemptare præſumpſerint in Com. præd.: Ac etiam de quibuſcunq; Vicecomitibus, Ballivis, Seneſchallis, Conſtabulariis, Cuſtodibus Gaolarum, & aliis officiariis, qui in executione officiorum ſuorum (circa præmiſſa ſeu eorum aliqua) indebitu ſe habuerunt, aut impoſterum indebite ſe habere præſumpſerint, aut tepidi, remiſſi vel negligentes fuerunt, aut impoſterum fore contigerint in Comitatu prædicto: Et de omnibus & ſingulis articulis & circumſtantiis, & aliis rebus quibuſcunq; per quoſcunq; & qualitercunq; in Comitatu prædicto factis ſive perpetratis, vel quæ impoſterum ibidem fieri, vel attemptari contigerit qualitercunq; præmiſſorum, vel eorum alicujus concernentibus plenius veritatem, & indictamenta quæcunq; ſic coram vobis, ſeu aliquibus veſtrum, capta, ſive capienda aut coram aliis nuper Juſticiariis Pacis in Com. præd. facta ſive capta (& nondum terminata) inſpiciendum. Ac ad proceſſus inde verſus omnes & ſingulos, ſic indictatos, vel quos coram vobis impoſterum indictari contigerit (quoſq; capiantur, reddant ſe, vel utlagentur) faciendum & continuandum. Et ad omnia & ſingula felonias, veneficia, incantationes, ſortilegia, artes magicas, tranſgreſſiones, foreſtallarias, regratarias, ingroſſarias, extortiones, conventicula, indictamenta*

menta prædicta, cæteraq; omnia & ſingula præmiſſa, ſecundum leges, & Statuta Regni noſtri Angliæ (prout in hujuſmodi caſu fieri conſuevit aut debuit) Audiendum & Terminandum; & ad eoſdem delinquentes, & quemlibet eorum, pro delictis ſuis per fines, redemptiones, amerciamenta, forisfacturas, ac alio modo (prout ſecundum legem & conſuetudinem Regni noſtri Angliæ, aut formam ordinationum vel ſtatutorum prædictorum, fieri conſuevit aut debuit) caſtigandum & puniendum, proviſo ſemper, quod ſi caſus difficultatis ſuper determinatione aliquorum præmiſſorum coram vobis vel aliquibus duobus vel pluribus veſtrum evenire contigerit, tunc ad judicium inde reddendum, niſi in præſentia unius Juſticiariorum noſtrorum, de uno vel de altero Banco, aut Juſticiariorum noſtrorum ad Aſſizas in Com. præd. capiendas aſſignatorum coram vobis vel aliquibus duobus vel pluribus veſtrum minimè procedatur.

Et ideo vobis, & cuilibet veſtrum mandamus, quod circa cuſtodiam pacis, ordinationem ſtatutorum & omnium & ſingulorum cæterorum præmiſſorum diligenter intendatis. Et ad certos dies & loca, quæ vos vel aliqui hujuſmodi, duo vel plures veſtrum (ut prædictum eſt) ad hæc provideritis, ſuper præmiſſis faciatis inquiſitiones, & præmiſſa omnia & ſingula audiatis & terminetis, ac ea faciatis & expleatis in forma prædicta inde quod ad juſticiam pertinet, ſecundum legem & conſuetudinem Regni noſtri Angliæ: Salvis nobis amerciamentis, & aliis ad nos inde ſpectantibus.

Mandamus etiam tenore præſentium Vicecomiti noſtro Devoniæ, quod ad certos dies & loca quæ vos vel aliqui hujuſmodi duo vel plures veſtrum ut prædictum eſt, ei ut prædictum eſt Scire faceretis, venire faciat coram vobis vel hujuſmodi duobus vel pluribus veſtrum (ut dictum eſt) tot & tales probos & legales homines de balliva ſua (tam infra libertates quam extra) per quos rei veritas in præmiſſis melius ſciri poterit & inquiri.

Aſſignavimus deniq; te præfat. J.B. Mil. *Caſt. Rot. pacis noſtræ in dicto Comitatu noſtro. Ac propterea tu, ad dies & loca prædicta, Brevia, Præcepta, Proceſſus & Indictamenta prædicta coram te & dictis ſociis tuis venire facias, ut ea inſpiciantur, & debito fine terminentur, ſicut prædictum eſt. In cujus rei Teſtimonium,* &c. *Datum.* &c.

The Form of the Oath of Juſtices of the Peace, as at this day, as followeth.

YE ſhall ſwear, That as Juſtice of the Peace in the County of *Devon* in all Articles in the Kings Commiſſion to you directed, you ſhall do equal Right to the Poor, and to the Rich, after your cunning, wit and power, and after the Laws and Cuſtoms of the Realm, and Statutes thereof made: And ye ſhall not be of Counſel of any Quarrel hanging before you: And that ye hold your Seſſions after the form of Statutes thereof made; and the Iſſues, Fines and Amerciaments, that ſhall happen to be made, and all Forfeitures which ſhall fall before you, ye ſhall cauſe to be entred without any concealment (or imbezilling) and truly ſend them to his Majeſty's Exchequer: Ye ſhall not let for Gift, or other Cauſes, but well and truly you ſhall do your Office of Juſtice of the Peace in that behalf; and that you take nothing for your Office of Juſtice of the Peace to be done, but of the King, and Fees accuſtomed, and the Coſts limited by the Statute; and ye ſhall not direct, nor cauſe to be directed any Warrant (by you to be made) to the Parties, but ye ſhall direct them to the Bailiffs of the ſaid County, or other the Kings Officers (or Miniſters) or other indifferent Perſons, to do execution thereof; *So help you God*, &c.

The parts of this Oath are ſhortly ſix.

1. They ſhall do equal Right to the Rich and Poor, and according to the Laws and Statutes of the Realm.

2. They ſhall not be of Counſel with any Perſon in any matter depending before them.

3. That they ſhall keep their Seſſions according to the Statutes, which (as it ſeems, by the preſcript of the Statute 2 *H.* 5. *cap.* 4.) ought to be in the firſt Week after the Feaſt of St. *Michael*, after the *Epiphany*, after the Clauſe or Feaſt of *Eaſter*, and after the Tranſlation of St. *Thomas* the Martyr, being the third day of *July*. And accordingly the Quarter Seſſions of the Peace ought ſo ſtill to be holden throughout the Realm; See *Lamb.* 579, 580. and yet by the Statute of 14 *H.* 6. *cap.* 4. The Juſtices of the Peace of *Middleſex*, are to keep their Seſſions but twice in the year.

4. That

4. That all Iſſues, Fines, Amerciaments and Forfeitures which happen before them, be by them truly entred and ſent into the Exchequer.

5. That they take nothing for doing their Office but of the King, and the accuſtomed Fees appointed by the Statutes.

6. That they ſhall not direct any their Warrants to the Parties, but to the Bailiffs of the County, or to other the Kings Officers, as to the Sheriff, High-Conſtables, Petty-Conſtables, *&c.* or other indifferent Perſons.

See after the *Oaths* of *Allegiance* and *Supremacy*, and the *Declarations* and *Certificates* thereupon to be made under the Title *Oaths*.

Alehouſe.

A Licence to keep an Alehouſe.

THomas Puit Knight, *William Bragge* Eſquire, two Juſtices of the Peace of our Sovereign Lord the Kings Majeſty, in his Highneſſes County of *D.* ſend greeting in our Lord God everlaſting. Know ye, That we the ſaid Juſtices, of good and credible report, to us made by divers credible and honeſt Perſons, *&c.* That *J. W.* of, *&c.* is a Man meet to keep a common Alehouſe in the Houſe where he now dwelleth, have licenſed, allowed and admitted, and by theſe Preſents do licenſe, allow and admit the ſaid *J. W.* to keep a common Alehouſe or Tipling-houſe at *L.* for one whole year next enſuing the date hereof, ſo that the ſaid *J. W.* ſuffer not any unlawful Games to be uſed in his ſaid Houſe, nor any evil Rule or Order to be kept within the ſame during the time of his ſaid Licenſe, for the uſing of which Licenſe accordingly, we do you to wit, that we have bound the ſaid *J. W.* in 10 *l.* and two other ſufficient Sureties in 100 *s.* a-piece by Recognizance to the Kings Majeſties uſe. In witneſs whereof we have hereunto ſet our Hands and Seals, dated, *&c.*

5 & 6 *E.* 6. *cap.* 25. 2 *Juſtices*, 1 *of the* Quorum *may allow and prohibit ſelling Ale*, Cromp. 198. 1 Bul. 109. 3 Inſt. 200, 201. 1 Jac. c. 9. 4 Jac. c. 4. 1 Car. 1. c. 4. 3 Car. 1. c. 3.

Recognizance with the Condition.

Memorandum, Quod primo die Septembris Anno Regni Domini Gulielmi *Dei gratia Angliæ Scotiæ Franciæ & Hiberniæ Rex Fidei Defensor*, &c. *septimo apud* L. *in Com. præd.* J. W. *de*, &c. C. D. *de*, &c. *&* E. F. *de*, &c. *personaliter vener. coram vobis* G. H. *&* J. K. *Justiciariis dicti Domini Regis ad Pacem in Com. præd. conservand. assign & recognover. se debere dicto Domino Regi modo & forma sequen. viz. præd.* J. W. *viginti libras legalis monetæ Angliæ Et uterque præd.* C. D. *&* E. F. *decem libras consimilis monetæ seperalit. levand. de seperalibus bonis & catallis terris & tenementis suis ad opus & usum dicti Domini Regis hæred. & Successor. Suor. si defalt. fieret in performatione conditionis sequen.*

5 & 6 E. 6. *cap.* 25. *Two Justices, one of the* Quorum.

The Condition of this Recognizance is such: Whereas the within bounden *J. W.* is admitted, and allowed by the within named *Thomas Putt* Knight, and *William Bragge* Esquire (two of his Majesty's Justices of Peace within the County of *Devon* within written) to keep a common Ale-house or Tipling-house, and to use common selling of Ale or Beer, only within the now House of him the said *J. W.* (and not elsewhere) situate in the High-street of the Town of *L.* within written, and called the Sign of the *Hart*: If therefore he the said *J. W.* during such time as he shall keep such common Ale-house there, shall not suffer any unlawful Play at Tables, Dice, Cards, Tennice, Bowls, Closh, Quoits, Loggets, or other unlawful Games to be used in his said House, or in his Garden or Orchard, or other his Ground or Place (especially by Men, Servants, Apprentices, Common Labourers or Idle Persons) nor wittingly and willingly admit or receive into his said House, or any part thereof, any Person notoriously defamed of, or for Theft, Incontinency or Drunkenness, or that shall be before-hand notified to him the said *J. W.* by the Constable of *L.* aforesaid, for the time being, or by his Deputy, to be an unmeet Person to be received into a common Ale-house, nor shall keep or lodge there any strange Person above the space of one day and one night together without notice thereof first given to the Constable or his Deputy there; and finally, If he the said *J. W.* during all the time that he shall keep common selling of Ale or Beer in the said House, shall and do there use and maintain

tain good Order or Rule; then this present Recognizance to be void, &c. or else, &c.

Note, The Principal is double the Surety, *viz.* he in 20 *l.* and each Surety in 10 *l.*

The Recognizance is to be certified at the next Quarter Sessions of the Peace, upon forfeiture of five Marks by the Justices, 5 *E.* 6. *cap.* 25.

Mittimus of him that Victualleth contrary to commandment.

THomas Put Knight, and *William Bragge* Esquire, two of the Kings Majesties Justices of the Peace within the said County of *Devon* to the Keeper of the Kings Majesties Gaol at *E.* greeting: Whereas *J. W.* of *L.* in the said County of *Devon*, (upon complaint lately made unto us of the evil Rule kept and suffered by him in his House, and other Misdemeanors) by Warrant under our Hands and Seals, was discharged of his Ale-house-keeping, and was commanded from us, that he should use no more common selling of Ale or Beer; and whereas we are credibly informed, that the said *J. W.* (notwithstanding our said Warrant and Commandment given him to the contrary, as aforesaid) hath ever since obstinately, and upon his own Authority taken upon him to keep a common Ale-house or Tipling-house, and still continueth the same: We do therefore send you here withal, the Body of him the said *J. W.* commanding you in his Majesty's Name to receive him into your said Gaol, and there safely to keep him until such time as he shall be from thence delivered by due order of Law, and hereof fail you not at your perils, dated at, &c.

See after for other *Mittimus*'s.

A Warrant to levy Mony forfeited by Ale-house Haunters or Tiplers.

1 Jac. c. 9. 4 Jac. c. 5. 21 Jac. c. 7. *One Justice, View, Confession, One Witness within six Months, in Inn, Victualling-house or Ale-house.*

William Bragge Esqure, one of his Majesty's Justices of the Peace within the said County of *Devon*, to the Constables and Church-wardens of the Parish of *W.* and to every of them greeting. Forasmuch as it hath been duly proved before me, according to the Statute in that behalf provided, that all and every the Persons here-under named, being Inhabitants within your Parish of *W.* upon the twelfth day of this instant Month of *November*, have been and continued Drinking and Tipling in the House of *G. W.* of your said Town (Inn-keeper or Ale-house-keeper) contrary to the form of the same Statute: These are therefore in his Majesty's Name to charge and command you, and every of you, forthwith to levy by distress and sale of the Goods of every the said Persons here-under named, the Sum of 3 *s.* 4 *d.* a-piece, if they shall refuse or neglect forthwith to pay the same, (which several Forfeitures shall be bestowed and employed by you, to the use of the Poor of your said Parish) and that you render to every the said Offenders, the overplus that shall remain upon the Sale of their said Goods; And if the said Offenders, or any of them shall refuse or neglect to pay the said several Forfeitures, and that you can find no sufficient distress whereon to levy the same, that then you the Constables or one of you, shall commit every such Offender or Offenders (refusing or neglecting to pay the said Sum or Forfeiture, and not having sufficient whereon to be distrained for the same) to the Stocks, there to remain by the space of four hours; and this shall be your sufficient Warrant herein, dated, &c.

4 Jac. c. 5. *Convicted upon my View.*
21 Jac. c. 7. *Convicted by his Confession before me.*

A Warrant to warn Alehouſe-keepers to come and renew their Licenſes.

Devon. ſſ. *To the Conſtable, &c. of the Hundred of* A. *and to every of them.*

THeſe are in his Majeſty's Name to command you to warn all the Licenſed Ale-houſe-keepers, Victuallers, and ſuch others within the ſaid Hundred, as do uſe commonly ſelling of Ale, Beer, Perry or Sider, perſonally to appear before us at the Houſe of *A. B.* &c. (*tali die*) by Nine of the Clock in the Forenoon of the ſame day, and to bring with them, then and there, as well their former Licences and Certificates under the Hands of the Officers of Exciſe of their Compoſition for the Duty of Exciſe, and the Payment thereof, as alſo a Certificate of their civil demeanour and fitneſs of themſelves to be for that purpoſe new licenſed, and of the Conveniency of Situation and Accommodation of their ſaid reſpective Houſes for that purpoſe; the ſame Certificate to be ſigned with the Hands at leaſt of four ſubſtantial, honeſt, diſcreet and civil Inhabitants of the reſpective Pariſhes, where they do ſo now dwell, and have you there the Names of ſuch Perſons as you ſhall have ſo warned, together with the Names of the ſeveral Pariſhes where the ſaid Houſes are ſituate, and by what Signs the ſame are ſo known, to the end that ſuch of them may be continued, and ſuch of them ſuppreſſed, as ſhall be thought fit, and have you there alſo this Precept. Given under our Hands and Seals at, &c.

Dalt. 34. 2 *Juſtices,* 1 *Quorum.* See *Dalt.* 360 *c.* 121. *A Warrant to the Head Bayliff to direct his Precept to the Petit Conſtables to warn the Alehouſe-keepers,* &c.

Againſt an Alehouſe-keeper or Vintner for ſuffering to tipple.

To the Conſtable of the Hundred of A. *and to the Churchwardens of the Pariſh of* B. *in the ſaid County.*

Devon. ſſ. FOraſmuch as it hath been duly proved before me, this preſent day, that *A. B.* of *B.* aforeſaid, Victualler, did upon the twentieth day of *Auguſt* laſt paſt, ſuffer *J. K.* and *L. R.* to remain and continue drinking and tipling in the Houſe of the ſaid *A. B.* aforeſaid, contrary to

Inn-keeper, Victualler or Alehouſe keeper. 1 *Jac. c.* 9.

to the form of the Statute in that Caſe made and provided. These are in his Majeſty's Name to charge you, that you the ſaid Conſtable or Church-wardens do levy for the Offence aforeſaid, 10 *s.* to the uſe of the Poor of the ſaid Pariſh of *B.* by way of Diſtreſs of the Goods and Chattles of the ſaid *A. B.* to be taken and detained for the ſame, and for default of ſatisfaction within ſix days, that then you do preſently appraiſe and ſell the ſame, and to deliver the Surpluſage or Remainder over and above, to the ſaid *A. B.* and for want of ſufficient Diſtreſs, that you do certifie the the ſame unto me, within twenty days next enſuing, to the end, that I may farther proceed therein as to Juſtice doth appertain. Hereof fail not at your perils. Given under my Hand and Seal the, &c.

21 *Jac. c.* 7. 1 *Juſtice. View. Confeſſion. Two Witneſſes that can or will juſtifie.*

By 1 *Car. c.* 4. *Vintners are liable.*

The Alehouſe-keeper is diſabled for three years, 7 *Jac. c.* 10. *This Offence of Tipling muſt be puniſhed within ſix Months, and therefore the Warrant ought to expreſs the Offence to have been done within ſix Months.*

A *Mittimus* for want of Diſtreſs.

To the Conſtables, &c. of the Hundred of A. *and to the Keeper of his Majeſty's Gaol, for the ſaid County of* M. *in the County aforeſaid.*

Devon. ſſ. WHereas upon the ſecond day of *July*, it was duly proved before me, that *A. B.* in the County aforeſaid Victualler, did upon the firſt day of *May* laſt paſt, ſuffer *J. B.* and *O. F.* to remain and continue drinking and tipling in the Houſe of the ſaid *A. B.* in *B.* aforeſaid, contrary to the form of the Statute in that caſe made and provided. And whereas by Warrant under my Hand and Seal, I did upon the ſaid ſecond day of *July*, cammand you the ſaid Conſtable or Church-wardens of the ſaid Pariſh ſhould levy for the Offence aforeſaid 10 *s.* for the uſe of the Poor of the ſaid Pariſh, by way of Diſtreſs of the Goods and Chattles of the aforeſaid *A. B.* to be taken and detained for the ſame; and for want of ſufficient Diſtreſs, you the ſaid Conſtable and the ſaid Church-wardens aforeſaid, did certifie the ſame unto me, within twenty days then next enſuing, to the end that I might farther do therein, as to Juſtice doth appertain. And foraſmuch as *E. F. G. H.* and *T. L.* have this preſent day certified unto me, that the ſaid *A. B.* hath not ſufficient Diſtreſs to be

1 *Jac. c.* 9. 1 *Juſtice. Two Witneſſes. Forfeit* 10 *s. to the uſe of the Poor.*

be taken for the ſaid 10 *s.* and that the ſame is not yet ſatisfied. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome or one of you, do take the ſaid *A. B.* and him ſafely convey to the Gaol aforeſaid, and there deliver him to the aforeſaid Keeper of the ſame, together with this Precept, commanding you alſo, the ſaid Keeper, to receive the ſaid *A. B.* into the ſaid Gaol, and him there ſafely keep, until the ſaid 10 *s.* be truly paid to the uſe aforeſaid. Hereof fail you not at your Perils. Given under my Hand and Seal, at, &c. *See Lamb.* 192, 193.

For Drunkenneſs, the firſt Conviction.

To the Conſtables of the Hundred of A. *and to the Church-wardens of the Pariſh of* B. *in the ſaid County.*

Devon. ſſ. Forasmuch as it hath been this preſent day duly proved before me, that *A. B.* of the Pariſh of *B.* in the ſaid County, Labourer, was on the ſecond day of *April* drunk, in the Pariſh aforeſaid, contrary to the form of the Statute in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to command you, that you the ſaid Conſtable or Churchwardens do require the ſaid *A. B.* to pay for the ſaid Offence, to the Hands of you the ſaid Church-wardens, to be by you accounted for, to the uſe of the Poor of the ſame Pariſh, 5 *s.* of lawful Mony of *England* within one Week now next enſuing: And if the ſaid *A. B.* ſhall refuſe or neglect to pay as the ſame aforeſaid, that then you, the ſaid Conſtable or Church-wardens, do levy to the uſe aforeſaid the ſaid 5 *s.* of the Goods of the ſaid *A. B.* by Diſtreſs and Sale of the ſame, rendring unto him the Over-plus of the Mony remaining of the Sale. And if the ſaid *A. B.* be not able to pay the ſaid Sum of 5 *s.* that then you the ſaid Conſtable do ſet him in the Stocks, there to remain by the ſpace of ſix hours. Hereof fail not at your Perils. Given under my Hand and Seal, at, &c. 4 *Jac.* 5.

Convicted upon my View.

Convicted by his Confeſſion before me, [as the Caſe is.] 21 *Jac.* 7.

21 *Jac.* 7.

For

For Drunkenneſs, the ſecond Conviction.

To the Conſtables, &c. of the Hundred of A. *and to every of them, and to the Keeper of his Majeſty's Gaol for the ſaid County, at* M. *in the County aforeſaid.*

4 *Jac.* 5. 21 *Jac.* 7. *Devon. ſſ.* FOraſmuch as it hath been this preſent day proved before me, that *A. B.* of the Pariſh of *S.* in the ſaid County, Labourer, was upon the ſixth day of *July*, drunk in the Pariſh of *S.* aforeſaid, contrary to the form of the Statute in that caſe made and provided. And foraſmuch as the ſaid *A. B.* hath been once before lawfully convicted of the ſaid Offence of Drunkenneſs. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome, or one of you, do cauſe the ſaid *A. B.* to come before me, or ſome other of his Majeſty's Juſtices of the Peace of the ſaid County, to be bound with Sureties to his ſaid Majeſty in one Recognizance or Obligation of 10 *l.* with Condition to be from henceforth of Good Behaviour, according to the form of the Statute in that Caſe made and provided, which if he ſhall refuſe to do, that then you do him ſafely convey to the Gaol aforeſaid, and deliver him there to the ſaid Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper, to receive him into the ſaid Gaol, and him there ſafely keep, until he ſhall be ſo bound with two Sureties, as aforeſaid. Hereof fail you not at your Perils. Given, &c.

A Warrant and *Mittimus* againſt an unlicenſed Alehouſe-keeper, upon the Statute of 5 *E.* 6.

To the Conſtables, &c. of the Hundred of A. *and to every of them, and to the Keeper of his Majeſty's Gaol for the ſaid County at* L. *in the County aforeſaid.*

2 *Juſtices*, 1 *Quorum*. 5 & 6 *E.* 6. *cap.* 25. 2 *Roll.* 398 *Palm.* 388 *Devon. ſſ.* FOraſmuch as *A. B.* of, &c. hath been this preſent day convicted before us, of Obſtinacy, and of his own Authority, ſelling Beer and Ale ——— at *L.* aforeſaid, contrary to our Commandment. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome, or one of you, do take him the ſaid *A. B.* and him ſafely convey to the Gaol aforeſaid,

aforeſaid, and there deliver him to the ſaid Keeper of the the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive the ſaid *A. B.* into the ſaid Gaol, and him there ſafely keep, without Bail or Mainpriſe by the ſpace of three days; and until he ſhall enter into Recognizance with two Sureties, according to the form of the Statute, in that Caſe, provided that he ſhall not keep any common Ale-houſe or Tipling-houſe, or uſe common ſelling Ale, or Beer. Hereof fail not at your perils. Given under our Hands and Seals, at, &c.

This Conviction is to be certified to the next *Seſſions*, where the Juſtices may fine him for every ſuch Offence 2 *s.*

Againſt an unlicenſed Alehouſe-keeper upon the Statute of 3 *Car.* 1.

The Firſt Conviction.

To the Conſtables, &c. of the Hundred, of A. *and to every of them, and to the Church-wardens of the Pariſh of* B. *in the County aforeſaid.*

FOraſmuch as *A. B.* of *B.* in the ſaid County Victualler, hath this preſent day been according to the form of the Statute in that Caſe made and provided, Convicted before me for taking upon him of his own Authority, not being thereunto lawfully licenſed to ſell Ale or Beer in the Pariſh aforeſaid, and by reaſon thereof he hath forfeited and loſt the Sum of 20 *s.* of lawful Mony of *England*, to the uſe of the Poor of the ſaid Pariſh. Theſe are therefore in his Majeſty's Name to command you, that you the ſaid Conſtable or Church-wardens do levy by way of Diſtreſs of the Goods and Chattels of the ſaid *A. B.* to be by you taken and detained for the ſaid 20 *s.* to the uſe aforeſaid. And for default of ſatisfaction of the ſaid 20 *s.* within three days after each Diſtreſs taken you do appraiſe and ſell the ſaid Diſtreſs, and deliver the Overplus thereof to the ſaid *A. B.* and if he ſhall not have ſufficient Goods and Chattles, whereby the ſaid 20 *s.* may be levied by way of Diſtreſs, as aforeſaid, and ſhall not pay the ſaid Sum of 20 *s.* within ſix days next enſuing. That then you the ſaid Conſtable, &c. or ſome or one of you do openly

3 *Car. c.* 3. 1 *Juſtice. View. Confeſſion. Pay* 20 *s. Two Witneſſes that ſhall or will*, &c. *To keep a common Alehouſe or Tipling-houſe. To uſe commonly ſelling Ale, Beer, Cyder or Perry.*

openly whip him for the Offence aforeſaid. Hereof fail not at your perils, &c.

The Second Conviction.

To the Conſtables, &c. *of the Hundred of* A. *and to the Keeper of the Houſe of Correction, for the ſaid County at* L. *in the County aforeſaid.*

3 *Car.* c. 3. 1 *Juſtice. View. Confeſſion.* 2 *Witneſſes* as before.

FOraſmuch, &c. (as in the precedent Warrant to the Words by reaſon) and foraſmuch alſo as the ſaid *A. B.* hath once before in like manner been convicted of the like Offence. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome, or one of you, do take the ſaid *A. B.* and him ſafely convey to the aforeſaid Houſe of Correction, and there deliver him to the ſaid Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper, to receive him into the ſaid Houſe, and him there ſafely to keep for the ſpace of one Month, and to deal with him as an idle, lewd and diſorderly perſon. Hereof fail not at your perils. Given, &c.

The Third Conviction.

To the Conſtables, &c. (ut ſupra.)

3 *Car.* c. 3. 1 *Juſtice. View. Confeſſion.* 2 *Witneſſes* as before.

FOraſmuch as, &c. (to theſe Words by reaſon of) And foraſmuch alſo as the ſaid *A. B.* hath been twice before in like manner, convicted of the like Offence. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome, or one of you, do take the ſaid *A. B.* and him ſafely deliver to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and him there ſafely keep, until by Order of the Juſtices in the General Seſſions of the County, he ſhall be delivered from thence; and that you in the mean time deal with him as an idle, lewd and diſorderly perſon. Hereof fail not at your perils, &c.

For

For Witneſſes againſt an unlicenſed Alehouſe-keeper.

To the Conſtables, &c. of the Hundred of A. *and to every of them.*

FOraſmuch as Complaint hath been made unto me, That *A. B.* of the Pariſh of *C.* Victualler, doth take upon himſelf of his own Authority, not being thereunto lawfully licenſed to ſell, &c. in the Pariſh aforeſaid. And foraſmuch as I am credibly informed, that the ſeveral perſons here under-named, can (if they will) teſtifie that the ſaid *A. B.* doth ſo do. Theſe are, &c. to command you, ſome, or one of you, to give notice unto the ſaid ſeveral perſons, that they, and every of them, are hereby required to come before me at, &c. (ſuch a day) by ten of the Clock in the Forenoon of the ſame day, then and there to teſtifie their ſeveral knowledges touching the Premiſſes, whereof they, nor any of them, are not to fail at their perils. And what you ſhall do herein, you ſhall make known unto me, at the time and place aforeſaid. And have you then and there this Precept. Given, &c.

3 *Car. c.* 3.
1 *Juſtice. To uſe common ſelling of Beer, Ale, Perry or Cyder. To keep a Common Alehouſe or Tipling-houſe.*

A. B. C. D. E. F. G. H. of, &c.

A Warrant to ſuppreſs an Alehouſe.

To the Conſtable, &c. of the Hundred of A. *and to every of them.*

FOraſmuch as we are credibly informed, that *A. B.* of, &c. doth ſuffer evil rule and diſorder to be kept in his Houſe in *L.* aforeſaid, contrary to the Laws and Statutes of this Realm, for which we have thought fit to ſuppreſs him from any longer keeping an Ale-houſe or Tipling-houſe, or uſing commonly ſelling of Beer, Ale, Cyder, or Perry. Theſe are therefore in his Majeſty's Name to command you, that you, ſome, or one of you, do forthwith repair to the ſaid *A. B.* and charge him to ſurceaſe from keeping any longer any Ale-houſe or Tipling-houſe, and from common ſelling of Ale, Beer, Cyder or Perry, at his peril, and withal that you cauſe his Sign to be pulled down, and that what you ſhall do in the Premiſſes, you, ſome,

Dalt. 34. 2 *Juſtices,* 1 *Quorum.* 1 *Bul.* 109. *Impriſonment. Fine and Bond for the Good Behaviour. Crompt.* 197, 198. 5 & 6 *E.* 6. *cap.* 25.

Two Juſtices may remove or allow, &c.

ſome, or one of you, do make known unto us, with all convenient ſpeed. Whereof fail not at your perils. Given, &c.

A Warrant againſt an Alehouſe-keeper for ſelling leſs than Meaſure.

To the Conſtable, &c. *of the Hundred of* A. *and to the Church-wardens of the Pariſh of* B. *in the ſaid County, and to every of them.*

1 *Juſtice.*
1 *Jac. c.* 9.
1 *Witneſs.*
View or Confeſſion.
By 21 *Jac. cap.* 7.
Inn-keeper, Alehouſe-keeper or Victualler diſabled for three years.

Devon. ſſ. FOraſmuch as it hath been duly proved before me, that *A. B.* of the aforeſaid Pariſh of *B.* did lately ſell in his own Houſe, leſs than one full Ale Quart of the beſt Beer for one Peny, againſt the form of the Statute in that Caſe made and provided, by reaſon whereof, the ſaid *A. B.* hath forfeited for his ſaid Offence 20 *s.* to the uſe of the Poor of the ſaid Pariſh of *B.* Theſe are therefore in his Majeſty's Name to command you, that ſome, or one of you, do levy to the uſe aforeſaid the ſaid 20 *s.* by way of Diſtreſs of the Goods and Chattles of the ſaid *A. B.* to be by you, ſome, or one of you taken and detained for the ſame. And for default of ſuch ſatisfaction within ſix days next enſuing; that then you preſently appraiſe and ſell the ſaid Diſtreſs, and deliver the Surpluſage or Remainder over and above to the ſaid *A. B.* And for want of ſufficient Diſtreſs; that then you, ſome, or one of you, do within twenty days next enſuing, certifie unto me the default of ſuch Diſtreſs. To the end that I may farther do therein as to Juſtice doth appertain. Hereof fail not at your perils, &c.

A *Mittimus* for an Ale-houſe-keeper for want of Diſtreſs.

To the Conſtables, &c. *of the Hundred of* A. *and to every of them, and to the Keeper of his Majeſty's Gaol for the ſaid County at* L. *in the County aforeſaid.*

1 *Juſtice.*
1 *Jac. c.* 9.

Devon. ſſ. WHereas it hath been duly proved before me, That *A. B.* of the Pariſh of C. in the ſaid County, Labourer, did lately utter and ſell in his own Houſe in C. aforeſaid, leſs than one full Quart of the beſt Beer for one Peny, againſt the form of the Statute

Statute in that caſe made and provided. And whereas I did thereupon by Warrant, under my Hand and Seal, command you the ſaid Conſtable, &c. and the Church-wardens of the Pariſh of *C.* aforeſaid, that you, they, or ſome, or one of you, or them, ſhould levy to the uſe of the Poor of the ſaid Pariſh 20 *s.* for the Offence aforeſaid, by way of Diſtreſs of the Goods and Chattels of the ſaid *A. B.* to be taken and detained for the ſame, and for want of ſufficient Diſtreſs, you, they, or ſome, or one of you, or them, ſhould within twenty then next enſuing, certifie to me the default of ſuch Diſtreſs, to the end that I might farther do therein, as to Juſtice doth appertain. And foraſmuch as that no ſufficient Diſtreſs can be found to be certified unto me, whereby the ſaid 20 *s.* may be levied. And that the ſame is not yet ſatisfied. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome, or one of you, do take the ſaid *A. B.* and him ſafely convey to the Gaol aforeſaid, and there deliver him to the Keeper of the ſame, to be by him there kept until the ſaid 20 *s.* ſhall be truly paid, commanding alſo you the ſaid Keeper to receive him to the ſaid Gaol, and him there ſafely keep, until the ſaid 20 *s.* ſhall be paid accordingly. Hereof fail not at your peril. Given under my Hand and Seal at, *&c.*

A Licence to Brew and keep an Ale-houſe.

Derb. ſſ. WHereas *A. B.* of *C.* in the County of *D.* Yeoman, hath come before us *E. F.* and *G. H.* Eſquires, two of his Majeſty's Juſtices of the Peace within the ſaid County, and bound himſelf in a Recognizance with ſufficient Sureties to brew and ſell, and to keep a Common Ale-houſe according to the Statute of Brewers made in the Fifth year of the Reign of King *Edward* the Sixth. Now know ye us the ſaid *E. F.* and *G. H.* to have licenſed the ſaid *A. B.* to brew, to ſell, and to keep a Common Ale-houſe according to the ſaid Statute. Given under our Hands, &c.

See *Dalton* 379. *cap.* 124. and *Weſt. Præſid. pl.* 1. §. 554.

A Licence to keep an Ale-houſe.

WE whoſe Names are here under-written, his Majeſty's Juſtices of the Peace of the ſaid County, do, according to the form of the Statute in that caſe made and provided, licence, admit and allow *A. B.* of *C.* in the ſaid County, Victualler, to keep a Common Ale-houſe or Victualling-houſe, in the Houſe where he now dwelleth in *C.* aforeſaid, provided that the ſaid *A. B.* do not ſuffer any unlawful Games to be uſed in his ſaid Houſe, but do uſe and maintain good Order and Rule within the ſame; provided alſo, that this Licence ſhall not continue in force above the ſpace of one year next enſuing, at the moſt. Given under our Hands and Seals, at *L.* &c.

Note, There are ſeveral forms of Licences in *Weſt's Preſid. 1 part*, §. 557, 558, &c. *Dalton* 379.

A Recognizance and Condition upon licenſing an Ale-houſe.

5 & 6 *E.* 6. cap. 25. 2 Juſtices, 1 Quorum.

Devon. ſſ. *Memorandum quod undecimo die Octobris anno Regni Domini noſtri Wilhelmi Tertii* (*Dei gratia*) *Angliæ, Scotiæ, Franciæ & Hibern. Regis Fidei defenſor.* &c. *ſeptimo apud* L. *in Com. præd.* A. B. *de* &c. C. D. *&* E. F. &c. *perſonalit. venerunt coram nobis* E. F. *&* G. H. *Juſtic. dict. Dom. Regis ad pacem in Com. præd. conſervand. aſſignat. & recognoverunt ſe debere dict. Domino Regi modo & forma ſequen. viz. præd.* A. B. *in præd. viginti libris bonæ & legalis monetæ Angl. & uterq; eorum* C. D. *&* E. F. *in decem libris conſimilis legalis monet. Angl. ſeparatim levand. de ſeparalib. bonis & catallis terris & tenementis ſuis ad opus & uſum dict. Dom. Regis Hæred. & Succeſſor. ſuorum ſi default. foret in performatione Conditionis indorſat.*

The Condition of the within written Recognizance is ſuch, That whereas the within bounden *A.* is by the Juſtices within named, licenſed, admitted and allowed to keep a Common Alehouſe, in the Houſe wherein he now dwelleth in *C.* within written. If therefore ſaid *A. B.* ſhall not during the continuance in force of the ſaid Licence, ſuffer any unlawful Games to be uſed in his ſaid Houſe; but

but do uſe and maintain good Order within the ſame; That then this Recognizance ſhall be void, or elſe it ſhall ſtand in full force.

A Recognizance where ſeveral Alehouſes are licenſed in one day.

Devon. ſſ. *Memorandum quod quinto die Septembris Anno Regni Dom. noſtri* Willielmi *Tertii Dei gratia Angl. Scot. Franc. & Hibern. Regis Fidei defenſor.* &c. *ſeptimo ſeperales perſonæ inframomenat. perſonalit. venerunt coram nobis* E. F. *&* G. H. *Juſtic. dicti Dom. Regis ad pacem in Com. præd. conſervand. aſſignat. & recogn. ſe debere dict. Dom. Regi ſeparales denar. ſummas infra mentionat. ſeparalit. levand. de ſeperalibus bonis & catallis terris terris & tenementis ſuis ad opus & uſum dict. Dom. Regis & Succeſſor. ſuorum ſi default. fieret in performatione ſeperalium Condic. ſubſequen. videlicet.*

Upon Condition, that whereas the aforeſaid *A. B.* is, by the Juſtices abovenamed, licenſed, admitted and allowed to keep a Common Ale-houſe, in the Houſe where he now dwelleth in *L.* above written, known by the Sign of the *Unicorn*. If therefore the ſaid *A. B.* ſhall not, during the continuance in force of the ſaid Licence, ſuffer any unlawful Games to be uſed in his ſaid Houſe, but do uſe and maintain good Order and Rule within the ſame, that then this Recognizance ſhall be void, or elſe ſtand in force.

G. H. &c. *vigint. Lib. legalis monetæ Angl.* I. K. *de*, &c. *&* L. M. *de*, &c. *uterque eorum in decem libris conſimilis monet.*

UPON Condition, That whereas the aforeſaid *G. H.* is by the Juſtices aforeſaid, licenſed, admitted and allowed to keep a Common Alehouſe, in the Houſe wherein he now dwelleth in *L.* aforeſaid, known by the Name or Sign of the *Bear*. If therefore the ſaid *G. H.* ſhall in all things perform ſuch Conditions, as do immediately follow the Recognizance laſt above written, then this Recognizance to be void, or elſe to remain in full force.

A Licence to keep an Ale-houſe, with Articles.

Devon. ſſ. *Articles to be obſerved and kept by* A. B. *admitted to keep a Common Alehouſe or Victualling-houſe, in his now Dwelling-houſe in* L. *in the ſaid County of* Devon. *as followeth*, viz.

Imprimis. IF he hear of any Robbery or other hainous Offence committed againſt the Peace of our Sovereign Lord the King, he ſhall certifie to the Conſtable, &c. of the Hundred where, for the time being, he then dwelleth, or ſome of his Majeſty's Juſtices of the Peace for this County of ſuch perſons as lodged at his Houſe within two days before or after ſuch Robbery or heinous Offence committed, and what Apparel they had and uſed, and the Chriſtian Names or Sirnames of them, or as many of them as he ſhall know.

2. Alſo, he ſhall not uſe, nor keep or ſuffer to be uſed or kept any Carding, Dicing, Bowling, or any other unlawful Game or Games at any time, in his Houſe or Yard.

3. Alſo he ſhall not permit or ſuffer any perſon or perſons to continue drinking, or remain tipling in his Houſe, otherwiſe than is permitted and allowed by the ſeveral Statutes, in that caſe made and provided.

4. Alſo he ſhall not ſuffer any perſon or perſons to lodge at his Houſe above one Day and one Night together, but ſuch as he will anſwer for, and have forth coming, if occaſion ſhall require.

5. Alſo he ſhall keep one or more Beds in his Houſe, as alſo Mans Meat and Horſe Meat, during the time of his Licenſe, conveniently furniſhed to lodge any Way-fairing Man or Traveller.

Note, If any Common Inholder or Alehouſe-keeper will not lodge ſuch as travel, the Ruler, Conſtable or other Officer of the place may compel him thereunto, 5 *Ed.* 4. *cap.* 3.

6. Laſtly, He ſhall not uſe or ſell leſs than one full Ale-quart of the beſt Beer or Ale for one Peny, and of the ſmall two Quarts for one Peny, and ſhall have in his Houſe Beer and Ale of both ſorts, and alſo Bread for the Poor, and ſuch others as will buy the ſame.

We whoſe Names are here under written, Juſtices of the Peace of our Sovereign Lord the King, within this County of *Devon.* do hereby licence and allow the ſaid *A. B.*

A. B. to keep a Common Ale-houſe or Victualling-houſe in his now Dwelling-houſe, known by the Name or Sign of the *Swan* in *L.* aforeſaid for the ſpace of one whole Year next enſuing, the ſaid *A. B.* obſerving and keeping all and ſingular the Articles above written, for obſerving whereof, he is bound by Recognizance in 10 *l.* and two ſufficient Sureties with him (*viz.*) *C. D.* and *E. F.* in 5 *l.* a-piece, to the uſe of our Sovereign Lord the King, his Heirs and Succeſſors, Dated at *L.* the 8th day of *September*, 1695.

Devon. ſſ. *Memorandum, quod decimo die Septembris Anno Regni Dom. noſtri* Gulielmi *Tertii Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defenſoris*, &c. *ſeptimo* L. F. *de* &c. T. B. &c. *&* O. N. *de* &c. *&* A. B. *de* &c. *perſonaliter venerunt coram me* E. F. *Armigero uni Juſticiar' dict. Domini Regis nunc ad pacem in Com. præd. conſervand. aſſignat. & recogn. ſe debere dict. Dom. Regi modo & forma ſequen. videlicet præd.* A. B. *in viginti lib. legalis monetæ Angl. & uterque præd.* L. F. T. B. *&* O. N. *& quemlibet eorum in decem libr. conſimilis monetæ ſeparalit. levand. de ſeparalibus bonis & catallis terris & tenementis ſuis ad opus & uſum dict. Dom. Regis nunc Hæred. & Succeſſor. ſuor. ſi defalt fieret in performatione Conditionis indorſat.*

Capt. & cogn. coram me.

The Condition of the Recognizance within written is ſuch, That whereas the within named *A. B.* is by the Juſtices within named, licenſed, admitted and allowed to keep a Common Alehouſe or Victualling-houſe in *L.* for the ſpace of one whole now next enſuing. If therefore the ſaid *A. B.* do not well and truly obſerve and keep all and ſingular the Articles contained in his ſaid Licence, That then, &c.

A Licence in *London* to keep an Alehouſe.

London ſſ. *Memorandum, quod ad Seſſionem pacis Dom. Regis tentam pro Civitate* London *apud* Guildhall *ejuſdem Civitatis die Sabbati, ſcilicet decimo nono die Aprilis Anno Regni Domini noſtri* Gulielmi *Tertii Dei gratia Angl. Scotiæ Franciæ & Hiberniæ Regis Fidei defenſoris* &c. *ſeptimo coram* T. A. *Milite &* Barometto T. B. *Milite* G. W. *Milite &* T. D. *Milite Aldermanis Civitatis præd. &* G. F. *Milite uno de Conſiliis Dom. Regis erudito in Lege & Recordatore ejuſdem Civitatis Juſticiariis dic. Dom. Regis ad pa-*

cem in Civitate præd. conſervand. necnon ad diverſa Felonias Tranſgreſſiones & alia Malefacta infra eandem Civitatem perpetrata audiendum & terminandum aſſignatis venerunt E. B. *de Parochia Sancti* Andreæ Holborn, London, *Vidua &* Thomas How *de Parochia præd.* Ironmonger *& manuceperunt pro* Anna Barrow *de Parochia præd.* London *Vid. videlicet uterque plegior. præd. ſub pœna quinque librarum & præd.* A. B. *adtunc & ibidem ſuſcepit pro ſeipſa ſub pœna decem librar. quas quidem ſeparales ſummas adtunc & ibidem ſeparatim recognoverunt de ſeparalibus bonis & catallis terris & tenementis ſuis reſpective levandas ad uſum dicti Dom. Regis per viam Recognitionis ſi præd.* A. B. *deficeret in Conditione ſequente.*

The Condition of the Recognizance above mentioned is ſuch, That whereas the above named *A. B.* is admitted and allowed by the above named Juſtices to keep a Common Ale-houſe and Victualling-houſe, for the ſpace of one whole year, next enſuing the acknowledment of the ſaid Recognizance, and no longer, in the Houſe where ſhe now dwelleth in the ſaid Pariſh of St. *Andrew Holborn*, and not elſewhere. If therefore the ſaid *A. B.* ſhall not, during the time aforeſaid, permit or ſuffer, or have any playing at Cards, Dice, Tables, Quoits, Loggets, Bowls, or any other unlawful Game or Games in her Houſe, Yard, Garden or Back-ſide, nor ſhall ſuffer to be, or remain in her Houſe any perſon or perſons (not being her ordinary Houſhold Servant or Lodger) upon any Sabbath-day, or day of Humiliation or publick Thanksgiving, nor ſhall ſuffer any perſon to lodge or ſtay in her Houſe above one Day and one Night, but ſuch whoſe true Name and Sirname ſhe ſhall deliver to ſome of the Conſtables, or in his abſence, to ſome of the Officers of the ſame Pariſh the next day following, unleſs they be ſuch perſon or perſons as ſhe well knoweth, and will anſwer for his or their forth coming; nor ſhall ſuffer any perſon to remain in her Houſe tipling or drinking contrary to Law, nor yet to be there tipling or drinking after Nine of the Clock in the Night time; nor ſhall buy, or take to pawn any ſtoln Goods; nor willingly harbour in her Houſe, Barns, Stables or other place any Rogues, Vagabonds, ſturdy Beggars, maſterleſs Men or other notorious Offenders whatſoever; nor ſhall ſuffer any perſon or perſons to ſell or utter any Beer or Ale or other Victual, by deputation or by colour of her Licence. And alſo, if ſhe ſhall keep the true Aſſize and Meaſure of her Pots, Bread and otherwiſe, in uttering of her Beer, Ale and Bread, and the ſame Beer and Ale to ſell

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in ſealed Meaſure, and according to the Aſſize, and not otherwiſe, that then this Recognizance to be void, and of none effect, or elſe to ſtand in full force and ſtrength.

You are to be and ſtand ſuppreſſed, if you ſuffer any Drink by you ſold, to be drunk in any Silver Cup or other Silver Plate, and your Licence to be then, and from thenceforth void.

A Warrant againſt one for keeping an Ale-houſe without Licence.

D. ſſ. FOraſmuch as it appears to us by the Certificate of the Conſtable of your Town, as alſo by the Information of divers other credible Perſons, that *J. W.* of your Town doth keep a Common Ale-houſe and Victualling-houſe within your ſaid Town without Licence, contrary to the Law in that behalf; Theſe are therefore in his Majeſty's Name to will and require you to bring before us, or one of us, or ſome other of his Majeſty's Juſtices of the Peace of this County, the ſaid *J. W.* there to be dealt with and proceeded withal as to Law and Juſtice in that behalf ſhall appertain, and hereof fail you not as you will anſwer the ſame at your peril. Given, &c. *2 Juſtices, 1 Quorum.*

Aſſeſſors.

A Warrant to the Aſſeſſors to make a Tax.

Devon. ſſ. BY Virtue of an Act of this preſent Parliament, Entituled, An Act for granting unto the Kings Majeſty, the Sum of, &c. to be raiſed, levied and paid in the ſpace of, &c. in manner following, that is to ſay, the Sum of, &c. by the Month, for, &c. Months, beginning from the, &c. day of, &c. Theſe are to will and require you and every of you, whoſe Names are here under written, for the purpoſe aforeſaid, for the ſecond and third quarterly payments of the ſaid, &c. Months Aſſeſſments with all care and diligence to aſſeſs on all Lands, Tenements, Hereditaments, Annuities, Rents, Parks, Warrens, Goods, Chattles, Stores, Merchandize, Offices other than Judicial and Military Offices, and Offices relating to

the Navy, under the Command of the Lord High Admiral, and Offices within his Majeſt'ys Houſhold, Tolls, Profits, and all their Eſtates both real and perſonal, within the limits, circuits and bounds of your Hundred of *A.* the full and juſt Sum of, &c. by a Pound Rate, where you are to aſſeſs the Tenements one ſixth part in the whole, in reſpect of his Stock upon Land, and you are to aſſeſs all other perſons for their perſonal Eſtate (other than their Stock upon Lands and Houſhold-ſtuff) for every 20 *l.* proportionably to 20 *s.* by the year in Lands. And you are to take ſpecial care that therein you aſſeſs not any part of the ſaid Monies, upon the Rents and Revenues due and payable to either of the ſaid Univerſities, or any other Colledges, Halls, Hoſpitals, Alms-houſes or Free-Schools, nevertheleſs, you are to aſſeſs the Tenants of all ſuch Lands and Tenements, for ſo much as the ſame are worth, by the year, over and above what Rents or Revenues they pay to the ſaid Univerſities, Colledges, &c. And you are hereby farther willed and required, that you bring the ſaid Aſſeſsment fairly written, exactly caſt up, and by you ſigned unto us at the hour of, &c. (*tali die*) by Eleven of the Clock in the Forenoon of the ſame. Of all which you, nor any of you are to fail, upon pain of 20 *l.* Given under our Hands and Seals, at, &c.

The Preamble of the Tax Book.

To *A. B. C. D. E. F.* and *G. H.*

A Tax made the, &c. day of *Auguſt*, *Anno Dom.* 168— and in the year, &c. by us, whoſe Names are here under ſubſcribed in perſuance of a Warrant to us directed under the Hands and Seals of *A. B. C. D. E. F.* Eſquires, and other Commiſſioners nominated in an Act of this preſent Parliament, Entituled, An Act for granting unto his Majeſty the Sum of, &c. payable within the ſpace of, &c. whereby we are required to aſſeſs upon the ſaid Hundred on all Lands, Stocks, Goods, &c. the Sum of, &c. by a Pound Rate, wherein the Tenements are to be aſſeſſed, one ſixth part of the whole, which we have accordingly aſſeſſed, (*viz.*) the Landlord at five pence in the Pound Rent, and the Tenant one Peny in the Pound, in reſpect of his Stock upon the ſaid Lands, and for all other Goods, Stock, &c. for every 20 *s.* proportionably to 2 *s. per annum*, on Lands as followeth, *viz.*

Abate-

Abatement to be allowed to the Land-Lord in reſpect of the Waters, Coſts, and other Charges impoſed on the ſaid Lands.

A Burrough Landlords	Tenants.	Rents *per ann.*			Tax or Pounds			Tax or Stocks in Lands and Trade.		
		l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
A. B. Eſq.	*C. D.*	20	00	00	00	08	04	00	01	08
E. F. ——	*G. H.*	50	00	00	01	10	00	00	04	02
I. K. ——	*L. M.*	80	00	00	01	13	04	00	06	08

A Warrant to the Collectors of the Tax.

To A. B. C. D. E. F. *Collectors for the Hundred of* A. *in the ſaid County.*

Devon. ſſ. BY Vertue of an Act of this preſent Parliament, Entituled, An Act for granting unto the Kings Majeſty the Sum of, *&c.* to be raiſed, levied and paid in the ſpace of, &c. Theſe are to will and require you, and every of you, whoſe Names are hereunder written, to collect all and every the Sums of Mony mentioned in the Aſſeſsment hereunto annexed, ſo that you duly pay the ſame, (which you are hereby required to do) unto *A. B.* of, &c. whom we have nominated and appointed Head Collector of the Monies aforeſaid, at his Houſe in *D.* aforeſaid, in manner following, that is to ſay, one Moiety thereof (being the ſecond quarterly payment of the ſaid years Aſſeſsment) on or before the 20th day of *October* then next following. And in caſe any perſon or perſons ſhall neglect or refuſe to pay any Sum of Mony whereat he is in the ſaid Aſſeſsment rated or aſſeſſed, then you, and every of you are hereby authorized and required to levy the Sum aſſeſſed by Diſtreſs and Sale of the Goods of ſuch perſon or perſons ſo refuſing or neglecting to pay, deducting the Sum aſſeſſed, and reaſonable Charges of deſtraining. And you ſhall reſtore the Overplus to the Owner thereof. Alſo you, and every of you, are hereby likewiſe authorized to break open in the day time, any Houſe, Trunk, Cheſt or Box, or other things, where any ſuch Goods are, and to call to your aſſiſtance, that Conſtable,

ble, Tything-man and Headborrough, within the place where any ſuch uſual neglect or reſiſtance ſhall be made, which ſaid Officers are by the ſaid Act, required to be aiding and aſſiſting in the Premiſſes, as they will anſwer the contrary at their Perils. And in caſe any perſon or perſons ſhall refuſe or neglect to pay his or their Aſſeſsment, and convey his or their Goods, or other perſonal Eſtate, whereby the Sum of Mony ſo aſſeſſed, cannot be levied according to the ſaid Act, That then you certifie to us or any two of us, the Name or Names of ſuch Perſon or Perſons ſo refuſing or neglecting, or conveying as aforeſaid, to the end ſuch Proceedings may be had thereupon againſt him, her or them, as by the ſaid Act is directed. And in caſe any Lands or Houſes within your Hundred, ſhall lie unoccupied, and no Diſtreſs can be found on the ſame, by reaſon whereof, your ſaid Hundred is forced to pay and make good the Tax aſſeſſed upon ſuch Lands lying unoccupied; Then you and every of you, are hereby authorized and required at any time, after which the aſſiſtance of the Conſtable or Tything-man within your Hundred for the time being, to enter and diſtrain upon the ſaid Lands and Houſes, when there ſhall be any Diſtreſs thereupon to be found, and the Diſtreſs and Diſtreſſes (being the proper Goods of the Owner, or any claiming any Eſtate, Intereſt or Profit under him) if not redeemed within fourteen days, by payment of the Tax and Charge of Diſtraining) to ſell, rendring the Overplus to the Owner or Owners of ſuch Diſtreſs. And you are hereby enjoyned to diſtribute the Mony raiſed by the Sale, proportionably to the Parties who contribute to the Tax of the ſaid unoccupied Lands. You, and every of you, are hereby farther enjoyned, that where any Wood ſhall be aſſeſſed, and no Diſtreſs can be had, that in ſuch caſe with the aſſiſtance of the Conſtable, Headborough or Tithingman, you cut and ſell to any Perſon or Perſons ſo much of the Woods, growing in the ſaid Wood-lands, as will pay the Aſſeſsment or Aſſeſſments ſo behind and unpaid, and the Charge incident thereunto. And the Perſon and Perſons and his Aſſigns to whom ſuch Woods ſhall be ſold, are by the ſaid Act authorized to fell, cut down, diſpoſe and carry away the ſame to his own uſe, rendring the Overplus (if any be) to the Owner thereof. You and every of you are hereby likewiſe authorized, that where any Tax or Aſſeſsment within your ſaid Hundred ſhall be laid upon Tithes, Tolls, Profits, Markets, Fairs or Fiſheries, or other annual Profits, not diſtrainable, in caſe the ſame ſhall not be paid

paid within fifteen day after such Assessment, so charged or laid and demanded, That then you, or any of you, seise, take and sell so much of the said Tithes, Tolls and other Profits so charged, as shall be sufficient for the levying of the said Tax and Assessment, and all Charges occasioned by such non-payment thereof, rendring the Overplus to the Owner, if any be, of all which you, or any of you, are not to fail upon such Pains and Penalties, as by the Act may in such case be inflicted on you. And lastly, we do hereby order unto you, that upon your Collection of the whole Sum, appointed to be collected by you, and payment thereof, as is hereby appointed. You are to have and receive for your pains in collecting and paying the Monies one Peny in the Pound, which the said Head-Collector, is by us authorized to pay unto you accordingly. Given under our Hands and Seals, at, &c. the, &c.

A Warrant to levy five Pounds upon the Collectors for neglecting to collect their Assessment.

To the Constable, &c.

Devon. ff. WHereas Complaint hath been made unto us this present day by *A. B.* of, &c. High-Collector of the second and third quarterly Payments of the late Tax, granted to his Majesty, that the several persons, whose Names are here underwritten, being Petty Collectors of the said two quarterly Payments within the said hundred, have wilfully neglected and refused to pay unto the said *A. B.* the several Sums of Mony charged upon them, to collect and pay unto the said High-Collector, on the several days and times to them limited and appointed for the payment of the same. Notwithstanding several Warrants have been issued out unto them, to make payment thereof. These are therefore in his Majesty's Name, to command you, that some, or one of you do immediately, upon receipt hereof levy upon the several persons, whose Names are here under-written upon each of them the Sum of 5 *l.* for such his neglect and refusal, as aforesaid, by way of Distress and Sale of his Goods, according to the Act of Parliament, in that case made and provided. Hereof fail not at your perils. And for your so doing, this shall be your sufficient Warrant. Given under our Hands and Seals, at, &c.

Apprentices

Apprentices and Labourers, &c.

TWO Juſtices, one of the *Quorum*, the Churchwardens and Overſeers by conſent of two Juſtices may bind poor Children Apprentices; a Man Child to the Age of four and twenty, and till one and twenty of the Woman, or day of Marriage, 43 *Eliz. cap.* 2. 1 *Jac.* 1. *cap.* 25. 3 *Car.* 1. *cap.* 4.

And for this purpoſe the Juſtices may iſſue out their Warrants to the Church-wardens and Overſeers to bring in the Names of ſuch Children, &c.

The Form of the Warrant.

To the Church-wardens and other the Overſeers of the Poor of the Pariſh of St. Giles in the Fields *in the ſaid County, and every of them.*

43 *El. c.* 2. *Dalt.* 162. 1 *Jac. c.* 25. 21 *Jac.* 28. 3 *Car. c.* 4. 2 *Juſtices*, 1 *Quorum*. *Money given with Apprentices.* 7 *Jac.* 1. *cap.* 3. *No Apprentice by that Statute ſhall be above the Age of* 15 *years when firſt bound out.*

Midd. ſſ. THeſe are in his Majeſty's Name to command you that you do preſent unto us, or ſome of us, in Writing under your Hands at the Houſe of *T. F.* near the Church of the aforeſaid Pariſh upon the ſecond day of *May* next at eight of the Clock in the Morning of the ſame day the Names of all ſuch poor Children of your ſaid Pariſh as are Orphans, or whoſe Parents ſhall not by you, or the greater number of you, be thought able to keep and maintain them, together with the Names of the Parents of the ſaid Children (if they be living) and alſo the ſeveral Ages of ſuch Children aforeſaid. And that you do cauſe ſuch of the ſaid Children as ſhall be able to come thither, eſpecially ſuch of them, as you ſhall think fit to be put forth Apprentices, to appear before us at the time and place aforeſaid that we may view them. And likewiſe that you do then and there alſo, as aforeſaid, preſent unto us the Names of ſuch ſubſtantial Inhabitants of your Pariſh to whom you ſhall think fit to put the ſaid Children, or any of them, Apprentices, eſpecially ſuch of the ſaid Inhabitants as have not formerly taken Apprentices any ſuch poor Children of your ſaid Pariſh. And laſtly, That you do give notice to the ſaid Inhabitants that they are by us required then and there to appear before us, to ſhew Cauſe why you by our aſſent ſhall not bind ſuch of the ſaid Children Apprentices unto them,

them as to you ſhall ſeem meet, unleſs they in the mean time ſhall conſent to receive and take the ſame accordingly. And that you your ſelves be then and there alſo preſent and have there this Precept, of all which fail you not at your perils. Given under our Hands and Seals, &c.

The Form of an Indenture of an Apprentice ſo put out.

THIS Indenture made the firſt day of *May*, in the ſeventh year of the Reign of our Soveraign Lord *William* the Third, by the Grace of God of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, &c. *Annoq; Dom.* 1695. Witneſſeth, That *A. B.* and *C. D.* Overſeers of the Poor of the Pariſh of St. *Giles in the Fields* in the County of *Middleſex*, and *E.F.* and *G.H.* Church-wardens of the ſame Pariſh by and with the Conſent of *J.K.* and *L.M.* Eſquires, two of his Majeſty's Juſtices of the Peace for the ſame County have placed, and by theſe preſents do place and bind *N. O.* * being a poor Patherleſs Child as an Apprentice with *P. Q.* of the ſaid Pariſh of St. *Giles in the Fields*, Weaver, and as an Apprentice with him the ſaid *P. Q.* to dwell from the day of the date of theſe Preſents until he the ſaid *N. O.* ſhall attain the Age of twenty four † years, according to the Statute in that Caſe made and provided. By and during all which Time and Term the ſaid *N. O.* ſhall and will faithfully ſerve the ſaid *P. Q.* his Maſter in all his lawful Buſineſs, according to his Power, Wit and Ability, and honeſtly and obediently in all things ſhall behave himſelf toward the ſaid *P. Q.* his Wife, Children and Family. And the ſaid *P. Q.* for his part promiſeth, covenanteth and agreeth, that he the ſaid *P. Q.* the ſaid *N. O.* in the Art, Skill and Myſtery of a Weaver ‖ ſhall teach and inſtruct, or cauſe to be taught and inſtructed the beſt way and manner that he can according to his knowledge. And alſo to find and allow his ſaid Apprentice ſufficient Meat, Drink, Waſhing, Lodging, Linen, Woollen, Shooes, Stockings, and all other things meet and neceſſary for ſuch an Apprentice during all the ſaid Term: In Witneſs whereof the ſaid Parties to theſe Preſents have to the ſame interchangeably ſet their Hands and Seals the day and year firſt above written.

Let the Overſeers, Church-wardens and Apprentices ſeal and deliver one part of the Indentures to the Maſter, and

* *Or Son or Daughter (of ſuch an one) unable by reaſon of his (or her) Age and great Charge to bring up and maintain his (or her) ſaid Son (or Daughter)* as the Caſe is.

† *A Girl may be bound to 21 or day of Marriage.*

‖ *Or in the Art and Skill of Husbandry or Houſewifery*, &c. as the Caſe is.

and the Maſter the other to them. And then the Juſtices may endorſe their Conſents on the backſide, *viz.*

We whoſe Names are ſubſcribed Juſtices of the Peace for the County of *Middleſex* aforeſaid do conſent to the putting forth the aforeſaid *N. O.* Apprentice, according to the intent and meaning of the Indenture aforeſaid.

J. K.
L. M.

Note, The Statute of 7 *Jac. cap.* 3. directs how Mony given and to be given for the binding out Apprentices of poor Children ſhall be imployed, and by whom and within that time; and how and when the perſons, who have the employment and diſpoſing thereof, ſhall account before the Juſtices.

And that the Maſter or Miſtreſs receiving ſuch Apprentice and Mony, ſhall be bound to the Corporation or Truſtees to repay ſuch Mony at the end of ſeven years next enſuing the Date of the Bond, or within three Months after the end of ſeven years, or within a year of the Apprentices death, if he die within ſeven years, or within one year after the Maſter, Miſtreſs or Dame, if he or ſhe die within ſeven years, ſo that the Apprentice may be therewith placed with ſome other perſon to ſerve the reſidue of the years of his or her former Apprentiſhip.

14 *Eliz. cap.* 5. A Beggars Child may at the General Seſſions be bound to ſerve any Subject of the Realm being of an honeſt Calling.

18 *Eliz. cap.* 3. If the Maſter refuſe to take the Apprentice, and to ſeal a Counterpart of the Indenture, ſee a Warrant againſt him next following.

A Warrant againſt ſuch as refuſe to take Apprentices and ſeal a Counterpart of the Indenture.

To the Conſtables and Headborroughs of, &c.

Midd. ſſ. WHereas the Overſeers of the Poor and Church-wardens of the Pariſh of St. *Giles in the Fields* in the County aforeſaid did by our Conſent by Indenture bearing date the firſt day of *May* in the ſeventh

ſeventh year of the Reign of our Sovereign Lord *William* the Third, by the Grace of God of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, &c *Annoq; Dom.* 1695. place and bind out Apprentice unto *P. Q.* of the Pariſh aforeſaid, Weaver *N. O.* a poor Child of the ſaid Pariſh, according to the form of the Statute made in the 43d year of the late Queen *Eliz.* Entituled, *An Act for the Relief of the Poor.* And foraſmuch as the ſaid *P. Q.* doth refuſe to take, receive and keep the ſaid Apprentice accordingly, and doth alſo refuſe to ſeal the ſaid Counterpart of the ſaid Indenture. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do cauſe the ſaid *P. Q.* to come before us, or one of us, or ſome other Juſtice of the Peace of the ſaid County to enter into Recognizance unto his ſaid Majeſty conditioned for perſonal appearance at the next General Seſſions of the Peace to be holden at *Hicks's Hall* in St. *John-Street* in the County aforeſaid, then and there to anſwer the Premiſes, and farther to do and receive as the ſaid Court ſhall then conſider of him in that behalf. Hereof fail not at your perils. Given under our Hands and Seals, &c.

43 Eliz. cap. 2. *On refuſal to be bound to Good Behaviour, or indicted for a Contempt and thereupon to be fined and impriſoned.* Dalt. 163.

A Warrant againſt a Maſter for abuſing his Apprentice.

To the Conſtables and Burſholders of P. &c.

Devon. ſſ. FOraſmuch as Complaint hath been made unto me by *A. B.* an Apprentice againſt *C. D.* his Maſter both of the Pariſh aforeſaid, that the ſaid *C. D.* doth not allow unto his ſaid Apprentice ſufficient Meat, Drink and Apparel, and without any cauſe at all doth him immoderately correct and beat [or turneth out of his Doors, and will not ſuffer him to abide, &c. [as the Caſe requires] Theſe are therefore in his Majeſty's Name to command you, that ſome, or one of you, do cauſe both the ſaid Parties to come before me at *L.* on *Thurſday* next the eleventh day of this inſtant *May*, at three of the Clock in the Afternoon to the end that I may examine the ſame Matter, and end it if I can. Hereof fail not. Given under my Hand and Seal this eighth day of *May*, &c.

5 *Eliz. c.* 4.

Note, This Warrant upon Complaint may be made by a Juſtice of the County or other Head Officer of the place where

where the Maſter dwelleth, and if the Juſtice or Officer cannot agree the Matter, then the Juſtice or other Head Officer of the Town or place where the ſaid Maſter dwelleth, ſhall bind the Maſter to appear at the next Seſſions in the ſaid County, or within the City, Town Corporate or Market Town (if the ſaid Maſter dwell within any ſuch) where, if it be thought meet, the ſaid Juſtices, or four of them at the leaſt, whereof one to be of the *Quorum*, or the ſaid Mayor or other Head Officer with the Conſent of three of his Brethren, or Men of beſt Reputation within the ſaid City, Town Corporate or Market Town, have Power in Writing under their Hands and Seals to declare that they have diſcharged the ſaid Apprentice of his Apprentiſhip and the Cauſe thereof, 5 *Eliz. cap.* 4.

A Diſcharge of an Apprentice by four of the Juſtices.

Devon. ſſ. WE *E. F. G. H. J. K.* and *L. M.* four of his Majeſty's Juſtices of the Peace, &c. for the County of *D.* aforeſaid, having upon Complaint made unto us by *A. B.* an Apprentice againſt *C. D.* his Maſter both of the Pariſh of *P.* within this County. That the ſaid *C. D.* his Maſter hath not allowed to his ſaid Apprentice ſufficient Meat, Drink and Apparel, and hath ſeveral times immoderately corrected and beaten him without any Cauſe at all, ordered the ſaid Parties to appear before us, and having examined the ſaid Complaint, find it to be true, do therefore think fit to diſcharge the ſaid Apprentice of his Apprentiſhip; And by theſe Preſents under our Hands and Seals pronounce and declare, that we have for the Cauſes aforeſaid diſcharged the ſaid *A. B.* the Apprentice of his Apprentice-hood according to the meaning of the Statute in ſuch Caſe provided. Witneſs our Hands and Seals this firſt day of *June*, &c.

Note, That upon this Diſcharge or Writing made and inrolled by the Clerk of the Peace or Town Clerk amongſt the Records that he keepeth, ſhall be a ſufficient Diſcharge againſt the Maſter, his Executors and Adminiſtrators.

And if the Apprentice be found in the Fault then the Juſtices, or the Mayor, or other Head Officers with the Aſſiſtants aforeſaid ſhall order him due Correction at their Diſcretions. See the Statute of 5 *Eliz. cap.* 4.

Note,

Note, A Master cannot send his Apprentice beyond the Sea (except he go with him) but may send him in any place in *England*, 1 *Brownl.* 67.

By the Custom of *London* a Man may turn over his Apprentice to another within the City, *Goldsb.* 161.

A Warrant against a disorderly Apprentice.

To the Constable, &c.

Devon. ss. FOrasmuch as Complaint hath been made unto me by *A. B. Blacksmith.* against *C. D.* his Apprentice, both of the Parish of *E.* in this County. That the said *C. D.* is a disobedient and stubborn Servant, and doth very much miscarry and disbehave himself towards his Master. These are therefore in his Majesty's Name to command you, that some or one of you do cause both the said Parties to come before me, &c. [as before in the Warrant against the Master] Given, &c. 5 *Eliz. c.* 4.

A Warrant against an Apprentice for departing his Service.

To the Constable, &c.

Glouc. ss. COmplaint having been made unto me this present day by *A. B.* of, &c. that *C. D.* his Apprentice is lately contrary to Law departed from his said Master. These are therefore in his Majesty's Name to command and require you, that you, some or one of you, do attach the said *C. D.* when and where he shall be found within your several Limits and Precincts, and thereupon do farther bring him before me or some other of his Majesty's Justices of and within the said County to answer to the Premisses, and farther to be dealt withal according to Law. Hereof fail not, &c. 5 *Eliz. c.* 4.

Note, Justices of Peace may award Writs of *Capias* in any County to take Servants where, &c. who flee into other Counties from their own Masters to bring before them at such time as they will assign, *Crompt.* 149. *b. Lamb.* 517. To be directed to the Sheriffs or other Head-Officers.

A Warrant againſt a Fugitive Servant.

To the Sheriff of, &c.

5 *Eliz.* 4. *Lincoln ſſ.* WHereas *A. B.* being lawfully retained in Service with *C. D.* of, (&c.) is departed from his ſaid Maſters Service before the end of his Term without his Maſters leave or licence, or without any reaſonable cauſe contrary to the Laws and Statutes of this Realm; Theſe are therefore in his Majeſties Name to command you and every of you, that you, or ſome one of you do attach the Body of the ſaid *A. B.* and bring him before me, or ſome other of his Majeſty's Juſtices of the Peace of this County of *L.* to find ſufficient Sureties well and faithfully to ſerve his ſaid Maſter, according to the Covenant between them made, &c. and if he ſhall *Dalt.* 359, 360. refuſe ſo to do, that then you cauſe him to be conveyed ſafely to his Majeſty's Gaol, &c. there to remain till he ſhall find ſuch Surety as aforeſaid, according to the form of the Statute in this caſe provided; and hereof fail not, &c.

Againſt a Servant that departs contrary to his Retainer.

To the Conſtables, &c.

5 Eliz. 4. *Upon complaint to Juſtices upon proof to commit him to ward, to remain without Bail till he ſhall be bound to the party to the Gaoler.* *Midd. ſſ.* FOraſmuch as we are informed that *A. B.* was retained with *C. D.* of *B.* for divers years yet to come as his Servant, and that contrary to his Retainer the ſaid *A. B.* is departed from his ſaid Maſter before the ſaid Term expired, contrary to the Law in that behalf; Theſe are therefore in his Majeſty's Name to require you immediately upon ſight hereof to bring before us or ſome other Juſtices of the Peace of this County, the ſaid *A. B.* to anſwer the Premiſſes, unleſs he ſhall be content to ſerve his ſaid Maſter willingly, according to the ſaid Retainer; and hereof fail you not, &c.

ſerve and continue, and then to be diſcharged without any Fee to

To

To command one that works at her own Hands to go to Service.

To the Conſtables of H. *in the County of* G.

A. B. and C. D. two of the Juſtices, (&c.) Information being given to us that *E. F.* of *H.* is a Perſon of an able Body, and hath nothing whereby to live that can be ſeen but her Work, and liveth by working at her own Hands, and refuſeth to go to Service, you are hereby required forthwith to give her notice, that ſhe is before *Michaelmas* next to put her ſelf into Service, according to the Statute in that caſe provided, and ſhe is hereby required to conform her ſelf hereunto at her peril, given, &c.

5 Eliz. 4. 2 *Juſtices. Women of the age of* 12 *and under* 40 *unmarried, and out of Service.*

For diſabling the former Warrant.

To the Conſtables of D. *in the County of* G.

G. ff. WHereas upon information given to us, that *E. F.* of your Pariſh of *H.* a Perſon of able Body, not having any viſible Means whereby to maintain her ſelf but her Labour, did refuſe to go to Service, and did live by work at her own Hands; We did thereupon order her to put her ſelf in Service before *Michaelmas* laſt, which ſhe hath not done in contempt of Authority, Theſe are therefore to require you to take her the ſaid *E. F.* and to convey her to *Bridewel* in *Glouceſter*, and there to remain until ſhe be from thence delivered by order of Law, Given, &c.

Till ſhe ſhall be bounden to ſerve, 5 Eliz. 4.

For ſending a Servant to her Place at the requeſt of the Overſeers.

To the Overſeers of the Poor of the Pariſh of St. Clements Danes, *&c.*

Midd. ff. FOraſmuch as you have complained unto us, that *A. B.* being retained into Service by *C. D.* of your ſaid Pariſh for one year not yet expired, is come out of her Service in the ſaid Pariſh of St. *C. D.*

and likely to be chargeable to the ſame; Theſe are therefore in his Majeſty's Name to command you and every of you, that you, ſome or one of you do forthwith convey the ſaid *A. B.* to her ſaid Maſter, and deliver her unto him, and to remain with him until ſhe ſhall be from him lawfully diſcharged, and in caſe of refuſal of the ſaid *C. D.* to receive the ſaid *A. B.* accordingly, that you, ſome or one of you do forthwith certifie us, or one of us of the ſame, to the end that ſuch other Proceedings may be thereupon had, as by Law is required. Thereof fail not. Given under our Hands and Seals, &c.

A *Mittimus* to the Houſe of Correction of ſuch as leave their Service and live idly, *Kebl. Juſt. page* 177. upon the Statute of 7 *Jac.* 4.

To the Keeper, &c.

7 Jac. 4. *made againſt Vagabonds and idle Perſons.*

Devon ſſ. I have ſent you herewithal the Body of *A. B.* in the ſaid County, being an idle, diſſolute and diſorderly Fellow, and one that will not keep his Service, nor follow any honeſt courſe of life; Theſe are therefore to will and require you to receive the ſaid *A. B.* and him ſafely to keep until he ſhall be thence delivered by my ſelf, or ſome other of his Majeſty's Juſtices of the Peace of this County, and in the mean time to hold him to ſuch work, and to give him ſuch puniſhment by putting Fetters and Gives upon him, and by moderate whipping him, as in good diſcretion you ſhall find cauſe, yielding him for his Maintenance only ſo much as he ſhall deſerve by his Labour and Work, and that at the next Quarter Seſſions you have the ſaid *A. B.* together with this our Warrant, and hereof fail you not, &c.

To the Keeper of Houſe of Correction of, &c.

A Warrant for paying Wages.

To the Conſtable, &c.

Midd. ſſ. THeſe are in his Majeſty's Name to command you, that you, ſome or one of you do cauſe *A. B.* to come before me, or ſome other of his Majeſty's Juſtices of the Peace of the County aforeſaid to anſwer unto ſuch matters as ſhall be objected againſt him by *C. D.* touching his detention of 30 *s.* due unto the ſaid *C. D.* as he ſaith for Wages, and farther to do and receive as to Juſtice doth appertain, unleſs the ſaid *A. B.* ſhall forthwith pay unto him the ſaid *C. D.* the Wages aforeſaid, or do otherwiſe give ſatisfaction unto him for the ſame; and you are hereby alſo farther required to give unto the ſaid *C. D.* convenient notice of the time and places, when and where, and before whom you ſhall cauſe the ſaid *A. B.* to come by virtue hereof, to the end he may alſo be then and there preſent to make appear his due to the Wages aforeſaid. Hereof fail not, &c.

Another for Wages.

To the Conſtable, &c.

Gl. ſſ. A. *B.* having made his complaint to me, that he being hired by *C. D.* of your Pariſh, the ſaid *C. D.* hath turned him away within his time, and alſo refuſeth to pay him his Wages for the time the ſaid *A. B.* hath ſerved him; Theſe are therefore to require you to warn the ſaid *C. D.* to be before me (ſuch a day) to anſwer the Premiſſes, and to warn the ſaid *A. B.* to be then there alſo to make good his Complaint; and hereof fail you not, &c.

A Warrant to levy 40 s. *on a Maſter for putting away a Servant before his Term without a ſufficient cauſe to be allowed by a Juſtice,* &c. *or a Quarters warning before the end of the Term.*

5 *Eliz.* 4. *Glouc. ſſ.* FOraſmuch as it appeareth unto us this day upon Oath, that *A. B.* of your Town of *A.* Butcher hath put *C. D.* his Servant (lawfully retained with him) out of his Service before the end of the Term agreed, contrary to the Law of the Realm; Theſe are therefore in his Majeſty's Name to charge and command you and every of you forthwith upon the Receipt thereof, that you levy the Sum of 40 *s.* by him the ſaid *A. B.* forfeited for his Offence againſt the Statute in this caſe provided, by way of diſtreſs and ſale of the Offenders Goods upon his non-payment thereof, rendring to the ſaid *A. B.* the overplus (if any be) and that you bring with you the ſaid 40 *s.* at the next General Quarter Seſſions of the Peace to be holden for theſe parts of *G.* except the ſaid *A. B.* ſhall ſhew good cauſe to the contrary to his Majeſty's Juſtices of the Peace at *A.* aforeſaid, upon *Tueſday* next being the laſt day of this inſtant *May.* Hereof fail not at your perils. Given at the General-Quarter Seſſions of the Peace at *E.* the firſt day, &c.

One Juſtice may allow the Cauſe.

This forfeiture of 40 *s.* is 20 *s.* to the King, and 20 *s.* to the Proſecutor. The Statute ſays, That the Maſter, &c. putting away a Servant without cauſe to be allowed by two Juſtices, or one at the leaſt, ſhall forfeit 40 *s.* unleſs he be able to prove by two ſufficient Witneſſes, ſome ſufficient cauſe before the Juſtices of *Oyer*, &c. Juſtices of Peace in the Quarter Seſſions, &c. ſo that it ſeems he may at the next Seſſions prove his Cauſe to ſave the Forfeiture.

Qu. of this.

A Warrant for Relief of a Servant out of Service.

To the Conſtables, &c.

G. ſſ. FOraſmuch as complaint is made unto me by *A. B.* that being lawfully retained in the Service of *C. D.* of your Town of *E.* Yeoman, at *Lady-day* was twelve month, and being diſcharged his Service at *Lady-day* laſt, hath been at the Statute Seſſions and cannot find himſelf a Service, and is thereby deſtitute of means to relieve himſelf; Theſe are therefore in his Majeſty's Name to charge and command you and every of you, that preſently upon receipt hereof you do receive the ſaid *A. B.* into your Town, and ſet him on work, and provide for him according to the Statute in that caſe made and provided. Hereof fail not, &c. 43 *El. c.* 2.

Note, There are ſeveral Indictments concerning Servants, &c. in *Weſts Precedents*, *part* 2.

Baſtardy.

A Warrant againſt a Perſon charged to have begotten a Baſtard.

To the Conſtables, &c.

FOraſmuch as upon Examination of *A. B.* of, *&c.* ſingle Woman this day taken before me; it appeareth that ſhe is at preſent with Child of a Baſtard Child, which when it ſhall be born, is likely to be chargeable to the Pariſh where it ſhall happen to be ſo born; and foraſmuch as upon her ſaid Examination, ſhe hath confeſſed, that *C. D.* of &c. did beget her with Child, and hath before me charged him with the ſame; Therefore theſe are in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome or one of you do cauſe the ſaid *C. D.* to come before me, or ſome other of his Majeſty's Juſtices of the Peace, of and within the ſaid County at *L.* aforeſaid, *Dalt.* 39. *Lamb.* 122 *Cromp.* 196

ſaid, then and there to do and receive as by the ſaid Court ſhall be injoyned him; as alſo that he ſhall in the mean time be of Good Behaviour, as well towards his ſaid Majeſty as towards all his Liege Subjects, which if he ſhall refuſe to do, that then without expecting any farther or other Warrant, you, ſome or one of you ſafely convey him to the Gaol aforeſaid, and him there deliver to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper, to receive him into the ſaid Gaol, and him there ſafely keep until he ſhall find ſuch ſufficient ſecurity as aforeſaid. Hereof fail not at your perils. Given, &c.

Commitment on refuſal to obey.

An Order concerning a Baſtard Child for the Relief of the Pariſh, and for puniſhing the Mother and reputed Father.

18 El. c 3. 2 *Juſtices one of the* Quorum.

Devon ſſ. THE Order of *A. B.* and *C. D.* Eſquires, two of his Majeſty's Juſtices of the Peace of the ſaid County, whereof one is of the *Quorum*, and both reſiding in the Limits, where the Pariſh Church of *L.* in the ſaid County is, by us made at *L.* aforeſaid, the nineteenth day of *June*, in the year of our Lord 1685. according to the form of the Statute in that caſe made and provided, touching the Male Baſtard Child, late born in the Pariſh of *L.* aforeſaid, of the Body of *A. B.* of the ſame Pariſh, ſingle Woman, the keeping of which ſaid Baſtard Child, hath ever ſince the Birth thereof been, and ſtill is chargeable to the Pariſh aforeſaid, and likely to continue chargeable.

Firſt, Upon examination of the Cauſe and Circumſtances, and due conſideration by us had, we do adjudge *C. D.* late of *L.* aforeſaid, *Husbandman*, the reputed Father of the ſaid Baſtard Child; And for the puniſhment of the ſaid Mother and reputed Father, and for the better relief of the ſaid Pariſh, We do order as followeth, That is to ſay,

We do order, That the ſaid Mother ſhall be by the Conſtable, &c. of the Hundred of *A.* in the ſaid County, or by ſome or one of them, upon the ſame day, between the hours of nine and twelve in the Forenoon, in the common High-way, at or near the Watch-houſe in the Pariſh aforeſaid, be ſtripped naked from the middle upwards, and then and there ſhall be tied to the Tail of a Cart or Dung-Cart,

Cart, and being ſo ſtripped and tied, ſhall be openly whipped, until her Body be bloody.

We do alſo order, That the ſaid reputed Father ſhall by the Conſtable, &c. of the Hundred aforeſaid, or by ſome or one of them upon ſome day, between the hours of nine and twelve in the Forenoon, in the common High-way in the Pariſh aforeſaid, over-againſt the dwelling-houſe of *E. F.* there to be ſtripped naked from the middle upwards, and ſhall then and there be tied to the Tail of a Cart or Dung-Cart, and being ſo ſtripped and tied, ſhall be from thence drawn to the Watch-houſe aforeſaid, and on the way well whipped in ſuch manner, as in ſuch caſes is accuſtomed.

We do farther order, That the ſaid Mother ſhall within three days next after notice of this our Order, render her Body to the ſaid Conſtable, or ſome or one of them, ready to undergo her puniſhment before ordered; And that the ſaid reputed Father ſhall within ſix days next after notice of this our Order, render his Body to the ſaid Conſtable, &c. or ſome or one of them ready to undergo his puniſhment before ordered.

We do likewiſe farther Order, That the ſaid reputed Father ſhall within ſix days next after notice given unto him of this our Order pay or cauſe to be paid to the Overſeers of the Poor of the Pariſh aforeſaid, or to ſome or one of them, 20 *s.* of lawful Mony of *England* towards the Mony by them diſburſed before the ſaid notice given for or towards the keeping of the ſaid Baſtard Child, from the time of the Birth thereof, until the time of giving the ſaid notice, and that upon every *Tueſday*, which ſhall be next after the end of the ſaid ſix days, until the ſaid Baſtard Child ſhall attain unto his age of ten years, the ſaid reputed Father ſhall likewiſe pay unto the Overſeers of the poor of the ſaid Pariſh for the time being, or to ſome or one of them, 1 *s.* 6 *d.* weekly of lawful Mony of *England*, towards the Charges by them diſburſed towards the keeping of the Baſtard Child, between the end of the ſaid ſix days, and the time that he ſhall attain unto his ſaid age of ten years.

We do farther order, That the ſaid Baſtard Child ſhall be kept and nurſed by the ſaid Mother until he ſhall attain to the age aforeſaid, and that ſhe, ſo far as ſhe ſhall be able, ſhall during the ſaid time ſo keep and nurſe the ſame.

We

We do laſtly order, That both the ſaid Mother and reputed Father ſhall for ever, from and after ſuch time the ſaid Baſtard Child ſhall attain his ſaid Age of ten years, joyntly and ſeverally diſcharge the ſaid Pariſh of and from all Charges whatſoever, touching or concerning the keeping or relieving of the ſame. In witneſs whereof we have hereunto ſubſcribed our Names the day and year firſt above written.

A Warrant to be written under the Order aforeſaid, for the giving notice thereof to the Mother and reputed Father by the ſame Juſtices.

To the Overſeers of the Poor of the Pariſh of H. *in the County aforeſaid, and to every of them.*

Devon. ſſ. THeſe are in his Majeſty's Name to command you, and every of you, that you, ſome or one of you do with all convenient ſpeed give or cauſe to be given notice of this our Order, both unto the Mother and reputed Father therein mentioned; to the end that they and every of them may the better obſerve and perform the ſame, and what you ſhall do in execution of this our Precept, You, ſome or one of you do certifie unto us, or one of us, with all convenient ſpeed, next after your execution of the ſame, to the end that further proceedings may be thereupon had, as the caſe ſhall require, and as to Juſtice doth appertain. Given under our Hands and Seals at *L.* aforeſaid, the day and year firſt above written.

A Warrant for puniſhment of the Mother and reputed Father of a Baſtard Child by the ſame Juſtices.

To the Conſtable, &c. of the Hundred of A. *and to every of them.*

18 Eliz. 3. 2 *Juſtices,* 1 *of the* Quorum.

Devon. ſſ. WHereas *A. B.* of *L.* in the ſaid County, ſingle Woman, was lately delivered within the ſaid Pariſh of a Male Baſtard Child, begotten and born out of lawful Matrimony, yet living, and chargeable

to

to the Pariſh aforeſaid, and ſo likely to continue chargeable, to the great burthen of the ſaid Pariſh, and in defrauding the impotent and aged true Poor of the Pariſh aforeſaid, and to the evil example and encouragement of Lewdneſs; and whereas upon examination of the Cauſe and Circumſtance (according to the form of the Statute in that caſe made and provided,) We have (in and by an Order by us) this preſent day made and ſubſcribed under our Hands touching the Baſtard Child aforeſaid, adjudged *A. B.* late of *L.* aforeſaid, *Husbandman*, the reputed Father of the ſaid Baſtard Child; And for puniſhment of the ſaid Mother and reputed Father, according to the form of the Statute aforeſaid, We have thereby ordered, That the ſaid Mother ſhall by you, ſome or one of you, ſome day between the hours of nine and twelve in the Forenoon, in the common Highway, at or near the Watch-houſe at, &c. in the Pariſh aforeſaid, be ſtripped naked from the middle upwards, and then and there ſhall be tied to the Tail of a Cart, or Dung-Cart, and being ſo ſtripped and tied, ſhall be there openly whipped until her Body be bloody; and that the ſaid reputed Father ſhall by you, ſome or one of you, between the hours nine and twelve in the Forenoon, in the common Highway, in the Pariſh aforeſaid, over againſt the Houſe of (*E.F.* there) be ſtripped naked from the middle upwards, and then and there ſhall be tied to the Tail of a Cart or Dung-Cart, and being ſo ſtripped and tied, ſhall be from thence drawn to the Watch-houſe aforeſaid, and on the way well whipped, in ſuch manner, as in ſuch caſes is accuſtomed; and that the ſaid Mother ſhall within three days next after notice of that our Order, render her Body to you, ſome or one of you, ready to undergo her puniſhment aforeſaid; and that the ſaid reputed Father ſhall within ſix days next after notice of our ſaid Order, render his Body to you, ſome or one of you, ready to undergo his puniſhment aforeſaid; Theſe are therefore in his Majeſty's Name to command you, and every of you, that in caſe the ſaid Mother and reputed Father, or either of them, ſhall ſo render her, his or their Body or Bodies to you, or any of you, as aforeſaid, that then you, they or he to whom the ſame ſhall be rendred, do with all convenient ſpeed afterwards proceed with effect to execute your, his or their Office, according to the ſaid purport of the Order aforeſaid. Hereof fail you not at your perils. Given, &c.

A Warrant and Mittimus by the ſame Juſtices againſt the reputed Father of a Baſtard Child for not obeying the Order made by the Juſtices.

To the Conſtable, &c. and to the Keeper of the Gaol, &c.

18 *El. c.*3. WHereas by an Order by us made and ſubſcribed under our Hands the tenth day of *July* laſt paſt, touching a Male Baſtard Child, late born in the Pariſh of *L.* in the ſaid County, of the Body of *A.B.* of *L.* aforeſaid, ſingle Woman (chargeable to the Pariſh aforeſaid,) We have adjudged *C. D.* late of *L.* aforeſaid, *Husbandman*, the reputed Father of the ſaid Baſtard Child; and for puniſhment of the ſaid reputed Father, according to the form of the Statute in that caſe made and provided (among other things in the ſaid Order contained, have ordered, that he ſhould by you the ſaid Conſtable, &c. or by ſome or one of you, upon ſome day between the hours of nine and twelve in the Forenoon, in the common High-way, in the Pariſh aforeſaid (over againſt the Houſe of *E. F.* there be ſtripped naked from the middle upwards, and then and there ſhall be tied to the Tail of a Cart or Dung-Cart; and being ſo ſtripped and tied ſhould be from thence drawn to the Watch-houſe, and on the way well whipped, in ſuch manner, as in ſuch caſes is accuſtomed; and that he ſhould within ſix days after notice of our ſaid Order, render his Body to you the ſaid Conſtable, &c. or ſome, or one of you, ready to undergo his puniſhment before ordered; And whereas it hath been duly proved before us; That after the making of the ſaid Order, and by the ſpace of ſix days and upwards, before the day of the date hereof, the ſaid *C. D.* ſo as aforeſaid, the reputed Father of the ſaid Baſtard Child) had notice of the ſaid Order; and yet notwithſtanding hath not hitherto rendred his Body to you the ſaid Conſtable, &c. or any of you, according to the purport of the ſame, and ſo hath not for his part obſerved and performed the Order aforeſaid; Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. and every of you, that ſome or one of you do attach the Body of the ſaid *C. D.* and him deliver to the aforeſaid Keeper of the Gaol aforeſaid, to be by him kept in the ſame, without Bail or Mainprize, except he ſhall put in ſufficient Surety to perform the ſaid Order, or alſo perſonally to appear at the

Upon refuſal to be committed without Bail or Mainprize, 18 El. c.3.

the next General Seſſions of the Peace, to be holden in the ſaid County, and alſo to abide ſuch farther Order as the Juſtices of the Peace of the County aforeſaid, or the major part of them, then and there ſhall make in that behalf, if they then and there make any; and that if at the ſaid Seſſions the ſaid Juſtices ſhall make no Order, then to abide and perform the Order before made, as is aboveſaid; commanding alſo you the ſaid Keeper of the Gaol aforeſaid, to receive the ſaid *C. D.* into the ſame, and him there ſafely keep, according to the purport and tenor of this Precept. Given, &c.

Note, Some are of Opinion this Commitment may be made by any two Juſtices, whereof one of the *Quorum*, *ſed quære.*

For maintenance of a Baſtard Child left to the Pariſh, the reputed Father or Mother having wherewith in the ſaid Pariſh.

To the Churchwardens and Overſeers of the Poor of the Pariſh of L. in the ſaid County, and to every of them.

FOraſmuch as upon your complaint unto us, it appeareth that *A. B.* of, &c. the reputed Father of a Baſtard Child, born in the Pariſh aforeſaid, hath lately run away out of the ſaid Pariſh, and left the ſaid Baſtard Child upon the Charge of the Pariſh aforeſaid, although the ſaid *A. B.* hath Eſtate ſufficient to diſcharge the ſaid Pariſh; Theſe are therefore in his Majeſty's Name to require and authorize you, and every of you, that you, ſome or one of you do ſeiſe and take ſo much of the Goods and Chattels, and reſerve ſo much of the Annual Rents and Profits of the Lands of the ſaid *A. B.* as will amount unto the Sum of, &c. which we do, according to the form of the Statute in that caſe lately made, order you to take and receive for and towards the diſcharge of the ſaid Pariſh, for the bringing up and providing for the ſaid Baſtard Child. Given under our Hands the, &c. 13 & 14 Car. 2. cap. 12. 2 *Juſtices*, 1 *of the* Quorum.

Note, This Order muſt be confirmed at the Seſſions, 18 *El. cap.* 3. 3 *Car.* 1. *cap.* 4.

A Condition of Recognizance to answer concerning a Bastard Child, and to be of Good Behaviour.

THE Condition of, &c. is such, that whereas the within bounden *A. B.* is charged by *C. D.* of, &c. single Woman, with the having of several times had carnal knowledge of her Body; and that the said *C. D.* is with Child by the said *A. B.* If therefore the said *A. B.* shall and do personally appear before his Majesty's Justices of the Peace, at the next General Sessions of the Peace, to be holden for the within written County of *Devon*, at *L.* in the said County, then and there to do and receive, as by the said Court shall be adjudged him in this behalf, and in the mean time to be of Good Behaviour towards the Kings Majesty and all his Liege People. That then, &c.

A Mittimus *of the reputed Father of a Bastard Child upon his refusal to give Security to appear*, &c.

Devon. ss. I Send you herewithal the Body of *A. B.* of *C.* Taylor, brought before me this present day, and charged by *C. D.* of, &c. Single Woman, with the having of several times had carnal knowledge of her Body, and to have gotten her with Child. And for that the said *A. B.* refuseth to put in Security for his appearance at the next Quarter Sessions; and to the end he may be forthcoming whenas Order shall be taken for the relief and discharging of the said Town of *E.* and for keeping of the said Child when it shall happen to be born, according to the Statute in that Case made and provided. These are therefore in his Majesty's Name to charge and command you, that immediately you receive the said *A. B.* and him in your Gaol safely keep until such time as he shall be from thence delivered by due Order of Law. Hereof fail not your peril, &c.

A *Mit-*

A *Mittimus* of the Mother to the Houſe of Correction.

To the Conſtable, &c. and to the Keeper of the Houſe of Correction, &c.

Devon. ff. FOraſmuch as C. D. of the Pariſh of, &c. hath lately had a Baſtard Child which may be chargeable to the ſaid Pariſh. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable and Burſholders, and every of you, that you, ſome or one of you, do take the ſaid C. D. and her ſafely convey to the aforeſaid Houſe of Correction, and there to deliver her to the ſaid Keeper of the ſame together with this Precept, commanding alſo you the ſaid Keeper to receive her into the ſaid Houſe, and there puniſh and ſet her on work during the Term of one whole year according to the form of the Statute in that Caſe made and provided. Hereof fail not at your perils. Given under our Hands and Seals, &c. 7 *Jac.* 1. *cap.* 4. 2 *Juſtices.*

Note, A *Mittimus* may be made for a Woman that runneth away and leaveth her Baſtard; and ſo of any mean perſon that ſhall but threaten to run away and leave their Family, by two Juſtices upon Oath by two Witneſſes, *Dalt.* 385.

Note, By 18 *Eliz.* Two Juſtices (one of the *Quorum*) may take Order for the puniſhment of the Mother and reputed Father, and relief of the Child, &c. and if the reputed Father or Mother will not perform their Order, to commit the Party to Ward without Bail or Mainpriſe till ſufficient Security given to perform that Order, or to appear at the Seſſions to perform the Order of Seſſions, &c. ſo that the Security here avoids not the puniſhment.

By 7 *Jac.* 1. 4. The Juſtices ſhall commit every lewd Woman that ſhall have any Baſtard which may be chargeable to the Pariſh, to the Houſe of Correction to be puniſhed and ſet on Work for one whole year; and if ſhe ſhall * oftentimes offend, to commit her to the Houſe of Correction to remain till ſhe put in good Security for her Good Behaviour not to offend ſo again. Here Security

* Note, *It hath been held ſhe ſhall not be puniſhed upon this Statute for the ſecond Offence, unleſs ſhe had been before queſtioned and puniſhed for her firſt Offence*, Bulſtr. 349.

diſcharges

diſcharges the puniſhment: The Cauſe of Commitment ought to be removed in the *Mittimus*, that it may appear if the Priſoner be bailable or no. *Dalt.* 419. 3 *Cro.* 733. See 2 *Bulſtr.* 348.

A Warrant to ſend one begotten with Child to her Maſter where ſhe laſt dwelt, ſhe being not lawfully diſcharged from his Service.

To the Conſtable, &c. and to the Church-wardens and other the Overſeers of the Poor of the Pariſh of C. *in the County aforeſaid, and to every of them.*

Devon. ſſ. FOraſmuch as *E. K.* of, &c. ſingle Woman, Servant to *C. D.* of *F.* with begotten was Child by *J. H.* of *E.* with which Child ſhe yet goeth. And foraſmuch as ſhe never was yet lawfully diſcharged from her ſaid Service, but put thence before her time of Covenant was expired and without lawful Warning. Theſe are, &c. to will and require you the ſaid Conſtable, &c. and other the Overſeers to carry her the ſaid *E. K.* to her ſaid Maſter. And alſo do will and command you the ſaid *C. D.* to receive her into your ſaid Service, and her keep until ſhe be delivered of her ſaid Child, and diſcharged out of her ſaid Service by due Order of Law. And hereof fail you not at your Peril. Given, &c.

A Warrant where a Maid Servant is got with Child, and from thence ſent to the place of her Birth.

To the, &c.

See 2 *Bulſt.* 341. 348. 350. 455. FOraſmuch as *A. B.* for the ſpace of —— years now laſt paſt, hath dwelt in the Pariſh of *C.* in the ſaid County of *D.* and being there ſetled in Service with *E. F.* was gotten with Child, and being ſo with Child now ſent or conveyed to the Town of *G.* under colour that ſhe was there born, to the burthening the ſaid Town and contrary to Law. Theſe are therefore in his Majeſty's Name to charge and command you ſafely to convey the ſaid *A. B.* to *G.* aforeſaid, there to be ſet on Work, or otherwiſe

to

to be provided for according to the Law, and that you deliver and leave or offer to leave the ſaid *A.* to and with ſome one of the Churchwardens and Overſeers of the Poor of the Pariſh of *G.* aforeſaid. And hereof fail not at your Peril. Given, &c.

An Order for a Baſtard.

Imprimis UPON the Examination of the ſaid *A. B.* duly by us taken, we do find, that the ſaid *C. D.* is charged to have had divers times bodily and carnal knowledge of her (between ſuch times) and to be the only Father of the ſaid Baſtard Child, &c. and therefore we do order and adjudge him to be the reputed Father of the ſaid Child.

We do farther order as followeth: Firſt, that the ſaid *C. D.* ſhall keep the ſaid Child, till it comes to eight years of Age.

Secondly, That the ſaid *C. D.* upon Notice of this Order ſhall after ſuch Notice pay into the Hands of one of the Overſeers of the Poor of (for the time being) after the rate of 18 *d.* every Week, to be paid Monthly every year, towards the relief of the ſaid Child, until it comes to eight years of Age.

Thirdly, That after the Child ſhall come to eight, &c. that the ſaid *C. D.* pay to the Overſeers, &c. 5 *l.* towards the putting out of the ſaid Child to be an Apprentice, &c.

Fourthly, That the ſaid *C. D.* preſently give Security to one of the Overſeers, &c. to perform this Order.

Bailment.

Bailment of a Felon with a Conditional Recognizance in Latin.

Surr. ſſ. MEmorandum, *quod primo die menſis Novemb. Anno Regni Domini noſtri* Gulielmi, &c. *venerunt coram nobis* A. B. *&* C. D. *duobus Juſtic. dict. Dom. Regis ad Pacem in Com. præd. conſervand. aſſignat.* (*apud* L. *in Com. præd.*) E. F. *&* G. H. *de* &c. *in dict. Com. Yeomen, & ceperunt in Ballium uſque ad proximam Gaol. deliber. in dicto Com. tenend.* 2 Juſtices, 1 Quorum.

quendam I. K. *de* &c. *Taylor, captum & detentum in priſona pro ſuſpicione cujuſdam Felonie*, &c. *& aſſumpſer. ſuper ſe ſcil. quilibet præd.* E. F. *&* G. H. *ſub pœna viginti. Libr. bonæ & legalis monetæ* Angliæ, *& præd.* I. K. *aſſumpſit pro ſeipſo ſub pœna* 40 *Libr. ſimilis monetæ, de bonis & catallis, terris & tenementis eorum & quorumlibet eorum, ad opus dicti Dom. Regis Hæred. & Succeſſor. ſuor. levandar. ſi præfat.* I. K. *ad eand. prox. Gaol. deliber. perſonaliter non comparebit coram Juſtic. dict. Dom. Reg. ad dictam Gaol. deliber. aſſignati, ad ſtandum recte de Felonia præd. & ad reſpond. dict. Dom. Reg. tunc & ibidem de & ſuper omnibus quæ illi objicientur. Dat. ſub ſigillis noſtris die & anno primo ſupradictis.*

Note, 'Tis Felony to acknowledge a Recognizance or Bail in the Name of a Perſon not conſenting thereto, 21 *Jac.* 1. *cap.* 26.

Bailment by Recognizances with Conditions in Engliſh.

A ſingle Recognizance before one Juſtice.

Surr. ſſ. *Memorandum quod decimo die Martii Anno*, &c. *quinto* A. B. *de* &c. *perſonaliter ven. coram me* C. D. *uno Juſticiar. dict. Dom. Regis ad pacem ſuam in Com. ſuo præd. conſervand. aſſign. & recogn. ſe debere eidem Domino Regi decem libras legalis monetæ Angliæ de bonis & catallis terris & tenementis ſuis fieri & levari & ad opus & uſum dict. Dom. Regis Hæred. & Succeſſor. ſuor. ſi defalt. fieret in performation. Condition. indorſat.*

The Condition of this Recognizance is ſuch, &c. See after.

A double Recognizance before two or more Juſtices.

Surr. ſſ. *Memorandum quod primo die Aprilis Anno* &c. *quinto* A. B. *de* &c. C. D. *de* &c. *&* E. F. *de* &c. *perſonaliter vener. coram nobis* G. H. *&* J. K. *Juſtic. dict. Dom. Regis ad pacem ſuam in Com. ſuo præd. conſervand. aſſign. & recogn. ſe debere eidem Domino Regi modo & forma ſequen. viz. præd.* A. B. *viginti libr. legalis monetæ Angl. & uterque præd.* C. D. *&* E. F. *decem libr. conſimilis monetæ de ſeparatibus bonis & catallis terris & tenementis ſuis ſeparatis. fieri & levari ad opus & uſum dict. Dom. Regis Hæred. & Succeſſor.*

ceſſor. ſuorum ſi defalt. fieret in performatione Conditionis indorſat.

A Condition of Evidence.

THE Condition of this Recognizance is ſuch, That if the within bound *A. B.* do perſonally appear before his Majeſty's Juſtices of Gaol Delivery at the next General Gaol Delivery to be holden for the within named. County of *S.* and do then and there give ſuch Evidence as he knoweth againſt *L. M.* concerning the Matters wherewith he is charged, as well to the Jurors that ſhall enquire thereof on the behalf of our Lord the King, as alſo the Jurors that ſhall paſs upon the Tryal of the ſaid *L. M.* for the ſame; That then this Recognizance ſhall be void or elſe it ſhall ſtand in full force.

If it be to appear at the Seſſions, ſay,

Do perſonally appear before his Majeſty's Juſtices aſſigned to keep his Peace in the within named County of *S* at the next General Seſſions of the Peace to be holden for the ſaid County at *N.* in the County aforeſaid, and do then and there give ſuch Evidence, &c. [as above]

And ſo of the like, as for the appearance of a Felon or one taken upon ſuſpicion, &c. to appear at the next General Gaol-Delivery or Seſſions, [as the Caſe is.] See the Statutes of 1 & 2 *Ph.* & *Mar. cap.* 13. 3 *H.* 7. *cap.* 3. 1 *R.* 3. *cap.* 3. 27 *Ed.* 1. *cap.* 3. 5 *Ed.* 1. *cap.* 15. 31 *Car.* 2. *cap.* 2.

A Warrant to bring a Priſoner to Bail.

To the, &c.

THeſe are to charge and require you to bring before me the Body of *A. B.* now in your Cuſtody to be bailed as Law requireth, whereof fail you not, &c. Given, &c.

quendam I. K. *de* &c. *Taylor, captum & detentum in priſona pro ſuſpicione cuſtodiam Felonie*, &c. *& aſſumpſer. ſuper ſe ſcil. quilibet præd.* E. F. *&* G. H. *ſub pœna vigint. Libr. bonæ & legalis monetæ* Angliæ, *& præd.* I. K. *aſſumpſit pro ſeipſo ſub pœna* 40 *Libr. ſimilis monetæ, de bonis & catallis, terris & tenementis eorum & quorumlibet eorum, ad opus dicti Dom. Regis Hæred. & Succeſſor. ſuor. levandar. ſi præfat.* I. K. *ad eand. prox. Gaol. deliber. perſonaliter non comparebit coram Juſtic. dict. Dom. Reg. ad dictam Gaol. deliber. aſſignati, ad ſtandum recte de Felonia præd. & ad reſpond. dict. Dom. Reg. tunc & ibidem de & ſuper omnibus quæ illi objicientur. Dat. ſub ſigillis noſtris die & anno primo ſupradictis.*

Note, 'Tis Felony to acknowledge a Recognizance or Bail in the Name of a Perſon not conſenting thereto, 21 *Jac.* 1. *cap.* 26.

Bailment by Recognizances with Conditions in Engliſh.

A ſingle Recognizance before one Juſtice.

Surr. ſſ. *Memorandum quod decimo die Martii Anno*, &c. *quinto* A. B. *de* &c. *perſonaliter ven. coram me* C. D. *uno Juſticiar. dict. Dom. Regis ad pacem ſuam in Com. ſuo præd. conſervand. aſſign. & recogn. ſe debere eidem Domino Regi decem libras legalis monetæ Angliæ de bonis & catallis terris & tenementis ſuis fieri & levari & ad opus & uſum dict. Dom. Regis Hæred. & Succeſſor. ſuor. ſi defalt. fieret in performation. Condition. indorſat.*

The Condition of this Recognizance is ſuch, &c. See after.

A double Recognizance before two or more Juſtices.

Surr. ſſ. *Memorandum quod primo die Aprilis Anno* &c. *quinto* A. B. *de* &c. C. D. *de* &c. *&* E. F. *de* &c. *perſonaliter vener. coram nobis* G. H. *&* J. K. *Juſtic. dict. Dom. Regis ad pacem ſuam in Com. ſuo præd. conſervand. aſſign. & recogn. ſe debere eidem Domino Regi modo & forma ſequen. viz. præd.* A. B. *vigint. libr. legalis monetæ Angl. & uterque præd.* C. D. *&* E. F. *decem libr. conſimilis monetæ de ſeparatibus bonis & catallis terris & tenementis ſuis ſeparatis, fieri & levari ad opus & uſum dict. Dom. Regis Hæred. & Succeſſor,*

ceſſor. ſuorum ſi default. fieret in performatione Conditionis indorſat.

A Condition of Evidence.

THE Condition of this Recognizance is ſuch, That if the within bound *A. B.* do perſonally appear before his Majeſty's Juſtices of Gaol Delivery at the next General Gaol Delivery to be holden for the within named. County of *S.* and do then and there give ſuch Evidence as he knoweth againſt *L. M.* concerning the Matters wherewith he is charged, as well to the Jurors that ſhall enquire thereof on the behalf of our Lord the King, as alſo the Jurors that ſhall paſs upon the Tryal of the ſaid *L. M.* for the ſame; That then this Recognizance ſhall be void or elſe it ſhall ſtand in full force.

If it be to appear at the Seſſions, ſay,

Do perſonally appear before his Majeſty's Juſtices aſſigned to keep his Peace in the within named County of *S* at the next General Seſſions of the Peace to be holden for the ſaid County at *N.* in the County aforeſaid, and do then and there give ſuch Evidence, &c. [as above]

And ſo of the like, as for the appearance of a Felon or one taken upon ſuſpicion, &c. to appear at the next General Gaol-Delivery or Seſſions, [as the Caſe is.] See the Statutes of 1 & 2 *Ph.* & *Mar. cap.* 13. 3 *H.* 7. *cap.* 3. 1 *R.* 3. *cap.* 3. 27 *Ed.* 1. *cap.* 3. 5 *Ed.* 1. *cap.* 15. 31 *Car.* 2. *cap.* 2.

A Warrant to bring a Priſoner to Bail.

To the, &c.

THeſe are to charge and require you to bring before me the Body of *A. B.* now in your Cuſtody to be bailed as Law requireth, whereof fail you not, &c. Given, &c.

Behaviour.

A Warrant for the Good Behaviour.

To the Conſtables, &c. of the Hundred of A. *and to every of them, and to the Keeper of his Majeſty's Gaol for the ſaid County at* L. *in the County aforeſaid.*

FOraſmuch as *A. B.* of, &c. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable, &c. that you, ſome or one of you, do cauſe the ſaid *A. B.* to come before me, or ſome other of his Majeſty's Juſtices of the Peace, of and within the ſaid County to find ſufficient Security, as well for his Appearance at the next General Seſſions of the Peace, to be holden for the ſaid County at *L.* aforeſaid, then and there to do and receive, as by the ſaid Court ſhall be enjoyned. As alſo that he ſhall in the mean time be of Good Behaviour, as well towards his ſaid Majeſty, as towards all his Liege People; which if he ſhall refuſe to do, that then, without expecting any farther or other Warrant, you, ſome, or one of you, ſafely convey him to the Gaol aforeſaid, and him there deliver to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and there ſafely keep him, until he ſhall find ſuch ſufficient Security as aforeſaid. Hereof fail you not at your Perils. Geven, &c.

A *Mittimus* to the Gaol for one that refuſes to find Sureties for his Good Behaviour.

To the Keeper of his Majeſty's Gaol for the ſaid County at L. *in the County aforeſaid, or to his lawful Deputy there.*

Devon. ſſ. I Send herewithal the Body of *A. B.* of, &c. for that he refuſeth to find ſufficient Sureties to be of Good Behaviour towards his Majeſty and all his Liege People, and to appear at the next General Seſſions for the Peace, to be holden for this County at *L.* aforeſaid, ſtrictly charging and commanding you in the Name of our Sovereign Lord the King to receive him the ſaid *A. B.* into ſafe

safe Custody, and him safely keep in the said Gaol, until he shall find Sureties as aforesaid. Hereof fail not at your perils. Given, &c.

Bridges.

A Warrant for a Tax for the County Bridge.

To the Constable of the Hundred of A. *and to* A. B. C. D. &c. *Inhabitants of the said Hundred, and to every of them.*

Devon. ff. WHereas the several Bridges of *A. B. C. D.* within the said County, were lately in great decay and unrepaired: And by an Order ——— made at *B.* in the County aforesaid, the said Decays and Reparations were ordered to be amended at the Charge of the said County, and have lately been amended accordingly, the proportionable part of which said Charge thought fit to be imposed upon the Division, doth amount unto the Sum of 40 *l.* of lawful Mony of *England*, and the proportionable part of the same thought fit to be imposed upon the said Hundred doth amount unto 40 *s.* of like Mony. These are therefore in his Majesty's Name to command you the said Constable and Inhabitants, that you, or any three of you at the least, whereof you the said Constable shall be one; do forthwith, after publick Notice before given, as is usual in other Taxations, make a Taxation of all and every the Inhabitants of the said Hundred, as in such case hath been formerly accustomed for the raising of the said Sum of 40 *s.* imposed upon the said Hundred as aforesaid. And that you do bring the said Taxation fairly written, summed and transcribed with your Names, or the Names of any three of you, whereof the said Constable to be one, unto us, or some of us, at the House of, &c. on *Tuesday* the first day of *July*, by Nine of the Clock in the Forenoon of the same day. To the end that we may farther proceed therein, as to Justice doth appertain. Given under our Hands and Seals, &c. the, &c.

A Warrant to collect a Taxation for County Bridges.

To A. B. *and* C. D. *Inhabitants of the Hundred of* A. *in the ſaid County, and to either of them.*

22 *H.* 8. *cap.* 5. 4 *Juſtices,* 3 *Quorum.*

THESE are in his Majeſty's Name to command you, that you do forthwith collect and gather the ſeveral Sums of Mony ſpecified in the Taxation herewithal delivered unto you, of the ſeveral perſons therein mentioned, to be taxed upon them for the purpoſe in the ſaid Taxation ſpecified, and that you do pay the ſame unto *C. D.* whom we have appointed general Receiver of the Mony raiſed for the purpoſe aforeſaid, within the Diviſion of the ſeveral Hundreds on or before the ſixth day of *April*, next, deducting out of the ſame only 20 *s.* as by us allowed unto you for and towards your pains in collecting and paying the ſame. And in caſe of refuſal or neglect of payment of any of the ſaid parties ſo taxed of the Mony ſo taxed as aforeſaid, after demand made thereof by you or either of you, that then you do certifie to us, or ſome or one of us, the Names of the ſaid Perſons, ſo refuſing or neglecting, with all convenient ſpeed; to the end that farther Proceedings may be thereupon had as to Juſtice doth appertain. Given under our Hands and Seals, at, &c.

A Warrant upon Non-payment of Monies taxed to repair Bridges.

To the Conſtables, &c. of the Hundred of A. *and to every of them.*

Devon. ſſ. 4 *Juſtices,* as before.

FOraſmuch as Complaint hath been made unto us by *A. B.* and *C. D.* by us appointed Collectors and Gatherers of the Mony impoſed upon the ſaid Hundred, for and towards the Reparations of the ſeveral Bridges of *E. F.* and *D.* in the ſaid County, that the ſeveral Perſons, whoſe Names are here under written, have refuſed to pay unto them the ſeveral Sums of Mony adjoyned to their ſeveral Names, being taxed upon them for the purpoſe aforeſaid, although the ſame have duly been demanded of them. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you, do cauſe the

the ſaid ſeveral Perſons to come before us, or one of us, or ſome other Juſtices of the Peace of the ſaid County to anſwer the Premiſſes; and farther to do and receive, as to Juſtice doth appertain, unleſs they ſhall forthwith pay the ſaid Monies unto you, ſome or one of you, which if they ſhall ſo do, that you ſo receiving the ſame, do forthwith pay the ſaid Monies ſo received unto the ſaid *A. B.* and *C. D.* or one of them, to the end the ſaid Mony may be by them paid over to the general Receiver of the Monies raiſed for the purpoſe aforeſaid, by us formerly appointed. Hereof fail not at your peril. Given, &c.

A. B. E. F.
C. D. G. H. &c.

Or thus.

Theſe are therefore in his Majeſty's Name, to command you, that you, ſome or one of you do forthwith levy the ſaid ſeveral and reſpective Sums of Mony by Diſtreſs and Sale of the ſeveral and reſpective Goods of the ſaid ſeveral and reſpective Offenders rendring to them the Overplus. And in defect of ſuch Diſtreſs, that then you, or ſome or one of you, do certifie the ſame unto us, to the end there may be ſuch farther proceeding touching the Premiſſes, as to Juſtice doth appertain. Given, &c.

Butter and Cheeſe.

A Warrant to levy the Penalties forfeited by the Act concerning Butter and Cheeſe.

To the Conſtable and Burſholders, &c.

K. ſſ. FOraſmuch as it hath been duly proved before me, that *A. B.* of, &c. at C. in the County aforeſaid, did upon the 10*th* day of *July* laſt paſt pack up and mix bad and decayed Butter with ſound and good, after the ſame was brought and marked by the Buyer, [or any other Offence in the ſaid Act, as the Caſe may be] contrary to an Act of Parliament lately made, *For preventing Abuſes committed by Traders in Butter and Cheeſe.* Theſe are therefore in his Majeſty's Name to charge and command

4 & 5 *W.* & *M. c.* 7. *One or more Juſtice. Oath of one or more Witneſs.*

you, and every of you, that you, ſome or one of you, do, ſo ſoon after the Receipt hereof as conveniently may be, levy the Sum of 20 *l.* by Diſtreſs and Sale of the Goods and Chattles of the ſaid *A. B.* for ſo much by him forfeited (in the falſe packing and mixing of twenty Firkins of Butter contrary to the ſaid Act) according to the Rate and Penalty therein and thereby appointed to be inflicted on ſuch Offenders [or any other Offence in the ſaid Act *(mutatis mutandis)* as aforeſaid.] And that after your reaſonable Charges in and about the ſaid Diſtreſs and Sale, as aforeſaid, deducted, you ſhall and do then immediately reſtore the Overplus thereof unto him the ſaid *A. B.* and pay the Monies ſo to be levied as aforeſaid according to the directions of the ſaid Act, Given, &c.

Carriages.

A Warrant to provide Carriages for the King, &c. in their Progreſs and Removals.

To the Conſtable, &c.

1 Jac. cap. 10. *Two or more Juſtices upon three days notice at leaſt.* 6 d. *a Mile loaded, ready Mony tendred at place of loading.*

Devon. ff. WHereas we have by Warrant from the *Green Cloth* received Notice to provide Carts and Carriages from the places adjacent for the preſent Service of his Majeſty, according to the form of the Statute in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to will and require you, and every of you, that you, ſome or one of you do cauſe ſix ſufficient Carriages within the ſaid Hundred, each Carriage to conſiſt of four able Horſes, or ſix Oxen, or four Oxen and two Horſes to be and attend for the Service aforeſaid at *A.* in the ſaid County upon the third day of *May* next enſuing, at ſix of the Clock in the Forenoon of the ſame day. Hereof fail not at your perils. Given, &c.

Not enforced to travel above one days Journey. 40 s. *Forfeiture for refuſal of appearance*, &c.

To

To provide Carriages for his Majeſty's Navy.

To the Conſtables, &c. of the Hundred, of A. in the ſaid County, and to every of them.

Devon. ſſ. WHereas we have received Notice in Writing under the Hands and Seals of the Lord High Admiral of *England*, [or two or more of the principal Officers of his Majeſty's Navy, or Maſter of his Majeſty's Ordnance, or Lieutenants of his Majeſty's Ordnance, as the Caſe is] for providing of Carriages for the Service of his Majeſty's Ordnance. Theſe are therefore in his Majeſty's Name, to require you, and every of you, that you, ſome or one of you, do cauſe to be ſent to *A.* in the County aforeſaid, two Carriages on the ſeventh day of *Auguſt* next enſuing, furniſhed with Horſes or Oxen, ſufficient for the ſaid Service. Hereof fail not at your Perils. Given, &c.

13 & 14 *Car.* 2. *c.* 20
1 *Jac.* 2. *cap.* 11.
2 *Juſtices, Rates as before.*

Note, This Act is continued for ſeven years from the 13*th* of *February*, 1692. by 4 *&* 5 *W. & Mar. cap.* 24.

A Warrant to levy 40 *s.* for not appearing with Carriage for the King in his Progreſs.

To the Conſtables, &c.

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That *J. S.* of *T.* in the ſaid County was by you, ſome, or one of you, required to be and attend for his Majeſty's Service, according to the Statute in that Caſe made and provided, with one Carriage to conſiſt as by the ſaid Act is directed, at *A.* in the County aforeſaid upon the third day of *May* at ſix of the Clock in the Forenoon of the ſame day. And that the ſaid *J. S.* did make default therein, and hath thereby forfeited the Sum of 40 *s.* Theſe are therefore in his Majeſty's Name, to command and require you and every of you, that you, ſome or one of you, do by Diſtreſs and Sale of the Goods and Chattles of the ſaid *J. S.* levy to his Majeſty's uſe 40 *s.* for the Offence aforeſaid, rendring to the ſaid *J. S.* the Overplus (if any ſhall be) Hereof fail not at your perils. Given, &c.

1 *Jac. c.* 10. *Oath of the Conſtable or other Officer or two credible Witneſſes.*

A War-

A Warrant againſt thoſe that refuſe to provide Carriages for his Majeſty's Service of Navy or Ordnance.

To the Conſtable, &c. of the Hundred of D. *in ſaid County, and to every of them.*

13 & 14 *Car.* 2. *c.* 8. 1 *Jac.* 2. *cap.* 11. 2 *Juſtices. By Oath of the Officer or two other credible Witneſſes.*

Devon. ſſ. FOraſmuch as it hath been duly proved before us, that *A. B.* of, &c. having had ſufficient Notice to bring one Carriage to *L.* upon the ſeventh day of *Auguſt* laſt paſt, for the Service of his Majeſty's Ordnance, acording to the form of the Statute in that behalf lately made, and hath refuſed ſo to do, by which he hath forfeited 20 *s.* to the Kings Majeſty's uſe. Theſe are therefore in his Majeſty's Name to require you, and every of you, that you, ſome, or one of you, do demand of the ſaid *A. B.* to his ſaid Majeſty's uſe, the aforeſaid 20 *s.* And in default of payment upon demand, that you, or ſome, or one of you do forthwith levy the ſaid 20 *s.* to the uſe aforeſaid, by Diſtreſs and Sale of the Goods of the ſaid *A.B.* rendring to him the Overplus of ſuch Sale (if there ſhall be any) the Charge of diſtraining being firſt deducted. Hereof fail not at you perils. Given, &c.

Note, The ſame Statute provides, That if any perſon ſhall take above 6 *d. per* Night for a Bed of his Majeſty's Servants, or above 3 *d per* Night for every Bed they ſhall uſe for their Servants, (and where his Majeſty's Servants ſhall pay for their Dyet or for Hay and Provender for their Horſes, convenient Lodging ſhall be provided for themſelves and their Servants without paying for the ſame) the price of Hay and Oats and other accommodation for Horſes to be appointed by two or more Juſtices near adjoyning to the Road through which his Majeſty ſhall paſs, which the Juſtices ſhall cauſe to be proclaimed in the next Market Town, and in the Neighbouring Towns and Villages, as to them ſhall ſeem meet, one day at the leaſt before his Majeſty's coming) ſhall forfeit to the party grieved 40 *s.* upon Confeſſion of the party, or Conviction upon Oath by one credible Witneſs before any one Juſtice to be levied by Diſtreſs by Warrant from the ſaid Juſtice, returning the Overplus, Charges being deducted.

See after Tit. *Rates.*

Alſo

Alſo the Juſtice that ſhall take Gift or Reward, or ſpare any perſon from making Carriage as aforeſaid, or grieve any perſon through Hatred or ill Will who ought not to make ſuch Carriage, or impreſs more than directed ſhall forfeit 10 *l.* to the party grieved, or any who ſhall ſue for the ſame in any of his Majeſty's Courts of Record.

And ſuch as impreſs Cart or Carriage without lawful Authority ſhall incur the penalty in the Statute of 12 *Car.* 2. viz. *To be committed by two Juſtices to Gaol till the next Seſſions, and to pay treble Coſts and Damages to the party grieved.* 12 *Car.* 2. *cap.* 24.

A *Mittimus* for one that ſhall impreſs Carts, *&c.* without lawful Authority.

To the Conſtables, &c. *and to the Keeper,* &c.

D. ſſ. FOraſmuch as it hath been made appear unto me upon the Complaint of *A. B.* of, &c. in the County aforeſaid, that *C. D.* of *E.* hath impreſſed a Cart for Carriage of his Majeſty's Proviſions without Conſent of the Owner on pretence or colour of a Warrant from the *Green Cloth,* (contrary to the intent of the Statute in that Caſe made and provided.) Theſe are therefore in his Majeſty's Name, at the requeſt of the ſaid *A. B.* to will and require you the ſaid Conſtables, &c. and every of you, that you, ſome, or one of you do take the ſaid *C. D.* and him to deliver to the ſaid Keeper of the Gaol aforeſaid together with this Precept, requiring and commanding alſo you the ſaid Keeper to receive the ſaid *C. D.* into the Gaol aforeſaid, and him there ſafely to keep until the next Seſſions. And thereof fail not, &c. *See after* Tit. *Waggons.*

Capias.

GUlielmus *Tertius Dei gratia, Angliæ, &c. Vic. Com.* Devon. *Salut. Præcipimus tibi quod non omittas propter aliquam libertat. in Balliv. tua quin eam ingred. & capias* Johannem L. *in Com. tuo* Yeoman, *&c. ſi invent. ſuerit in Balliva tua, & eum ſalvo Cuſtod. fac. ita quod habeas corpus ejus coram* A. B. *&* C. D. *duobus Juſtic. noſtris ad pacem conſervand. nec non ad diverſas Felon. Tranſgreſ. & alia malefacta in eodem Com. tuo perpetrat. audiend. & terminand. Aſſign.*

apud

apud L. *in Comi tuo*, 13 *die* Martii *prox. futur. ad respond. nobis de diversis Transgr. Contempt. & offensis, de quibus ipse indictat. existit, & habeas ibi tunc hoc Breve. Teste, &c.——— vertio die* Marcii *&c. Anno Regni nostri, &c. septimo.*

Return of a *Capias, Per non est invent.*

AD *quem diem* A. B. *Armiger. Vic. Com. præd. return. quod ipse non est invent. in Ballivâ suâ, & ipse non venit. Ideo præcept. est Vic. sicut alias, &c.*

Alias Capias.

GUlielmus, *&c. Vic. &c. Præcipimus tibi sicut alias tibi præcepimus, quod non omictas, &c. ut supra.*

Ad quem diem, &c.——— & ipse non venit. Ideo præcept. est Vic. sicut Pluries, &c.

Pluries Capias.

GUlielmus, *&c. Vic. &c. Salut. Præcipimus tibi sicut pluries tibi præcepimus, quod non omittas, &c. ut supra.*

Ad quem diem, &c. A. B. *Armiger. Vic. Com. præd. return. quod præd.* C. D. *non est invent. in, &c. & ipse non venit. Ideo præcept. est, &c. quod exigi fac. &c.*

Certiorari.

The Return of a Certiorari.

UPON the back side of the Writ indorse these or the like Words:

Executio istius Brevis patet in quadam Schedula eidem Brevi annexata.

A. B. *Armiger Vic.*

A Cer-

Certificate.

A Certificate of a Record of an Indictment, taken in the County, into the Court of *Chancery*.

EGO Will. Bragg, *unus Cuſtod. Pacis ad Juſtic. Dom. Regis ad pacem in dict. Com.* Devon. *conſervand. nec non ad diverſa Felon. Tranſgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. aſſign. virtute iſtius Brevis mihi deliberati, indictamentum illud (unde in dicto Brevi fit mentio) una cum omnibus indictamentum illud tangentibus, in Cancellar. dict. Dom. Regis diſtincte & aperte ſub ſigillo meo certifico. In cujus rei teſtimonium ego præf.* W. B. *his præſentibus ſigillum meum appoſui. Datum apud* A. *tertio die menſis* Martii *Anno Regni, &c. primo.*

Coals.

A Warrant on Complaint touching Coals.

To the Conſtables, &c.

Midd. ſſ. THeſe are in his Majeſty's Name to require you to cauſe *J. S.* of *T.* to come before us *A. B.* and *C. D.* two of his Majeſty's Juſtices of the Peace of this County at the Houſe of *E.* &c. to anſwer ſuch Complaint againſt him for Offences againſt an Act of Parliament lately made, Entituled, *An Act for the regulating the Meaſure and Prices of Coals*, as hath been made unto us. And further to do and receive as to Juſtice doth appertain. Hereof fail not, &c. 16 & 17 *Car.* 2. *c.* 2. 2 *Juſtices. Revived by* 2 *W. & M. cap.* 7.

Note, Sea Coals brought into the *Thames* muſt be ſold by the Chaldron containing 36 Buſhels heaped up according to the Buſhel ſealed at *Guild-Hall London.*

Scotch Coals and other Coals ſold by Weight after the proportion of 112 Pounds to the Hundred of *Averdupois* Weight without fallacy or deceit.

A War-

A Warrant for delivering to the Informer a Moiety of the Coals, and other Forfeitures upon ſelling Coals contrary to the Statute.

To the Conſtables, &c.

Midd. ſſ. FOraſmuch as *J. S.* is duly convicted before us *A. B.* and *C. D.* two of his Majeſty's Juſtices of the Peace of this County, according to the form of Statute in that behalf made, Entituled, *An Act for regulating the Prices and Meaſures of Coals*, That he the ſaid *J. S.* did lately ſell or expoſe to Sale twenty Chaldron of Sea-Coal, Scotch Coal, &c. of the value of, &c. contrary to the form of the Statute aforeſaid. Theſe are therefore in his Majeſty's Name to will and require you to ſeize the Coals aforeſaid, and the double value thereof. And that you do deliver one half of the Coals and Value aforeſaid unto *T. T.* being the perſon proſecuting in this behalf, to his uſe; and likewiſe that you do imploy and diſpoſe the other half of the ſame to and for the uſe of the Poor, or repairing of the High-ways of the Pariſh of *W.* where the ſaid Offence was committed. Hereof fail not, &c.

A Warrant to impower others to enter into the Wharf, *&c.* and to ſell the Coals at the Rates ſet by the Juſtices, the Retailer refuſing ſo to ſell.

To the Conſtable, &c.

16 & 17 *Car.* 2. *c.* 2. 3 *Juſtices*, 1 *Quorum.*

Midd. ſſ. FOraſmuch as according to an Act of Parliament lately made, Entituled, *An Act for regulating the Meaſures and Prizes of Coals*, we did appoint and judge reaſonable, that Coals coming into the River of *Thames* within this County, and ſold by Retail ſhould be ſold at the Rate and Price of by the Chaldron. And foraſmuch as *G. F.* an Ingroſſer [or Retailer] of ſuch Coals doth refuſe to ſell as aforeſaid. We do therefore, according to the ſaid Act appoint and impower *J. K.* and *L. M.* joyntly or ſeverally to enter into the ſaid Wharf [or place] where the ſaid Coals are ſtored up, and in caſe of refuſal

refuſal to take a Conſtable to force entrance (which Conſtable is hereby required to act accordingly) and upon the ſaid *J. K.* and *L. M.* joyntly and ſeverally are hereby farther appointed and impowred the ſaid Coals to ſell or cauſe to be ſold at the Rate aforeſaid, rendring to the ſaid *G. F.* the Mony for which the Coals ſhall be ſo ſold, neceſſary Charges being deducted, for all which this ſhall be your ſufficient Warrant. Given, &c.

Note, By the Statute of 30 *Car.* 2. *cap.* 8. Every perſon having a Hand in removing or altering the Marks ſet upon the Meaſures for Coals at *Newcaſtle* upon *Tine*, upon proof thereof by one Witneſs before a Juſtice of Peace, ſhall forfeit 10 *l.* to be levied by Diſtreſs and Sale of Goods, and for want of Diſtreſs to be committed to Gaol for three Months without Bail.

Conſtables.

A Warrant for making Conſtables.

To A. B. C. D. *&c.*

THESE are in his Majeſty's Name to charge and command you to make your repair unto us, or to ſome other Juſtice of Peace of this County to take the Oath of a Conſtable to ſerve his Majeſty in the Town of *S.* And hereof fail not, dated, &c. 13 & 14 *Car.* 2. *cap.* 12. 2 *Juſtices.*

If they were choſen at the Leet, then ſay, According to the Choice made of you by the Jury at the laſt Leet holden in your Town; Or, you being choſen and ordered by the Leet of your Town to undertake the ſame Office.

In Caſe of neceſſity one Juſtice may order the Inhabitants to appear that he may make Choice, as thus,

To A. B. C. D. &c. *Inhabitants of*, &c.

WHereas *A. B.* of your Town of *C.* the now Conſtable thereof is by reaſon of his Age and Impotency very unable and inſufficient to execute the ſaid place. Theſe are, &c. to charge and command you, whoſe Names are above written, to come and appear before me at my

my Houſe at *E.* in the ſame County, on Munday next, which will be the one and twentieth day of this inſtant *Auguſt*, by ten of the Clock in the Morning, that I may make choice of one of you to be ſworn to undertake the ſame Office. And hereof fail not, &c.

A Warrant to remove a Conſtable and ſwear another.

GUlielmus *Tertius, Dei gratia, &c. Vicecom.* Devon. *necnon capitali Conſtabul. Hundredi de* A. *& eorum cuilibet, Salut. quia* A. B. *&* C. D. *Conſtabular. Vill. de* F. *&* F. G. *certis de cauſis nos movent. ab officio ſuo amoveri & exonerari fecimus: Ideo vobis & cuilibet veſtrum, conjunctim & diviſim præcipimus & mandamus, quod* H. I. *&* K. L. *ad omnia & ſingula eidem Officio incumbentia bene & fideliter exercenda & exequenda (prout ipſi nobis inde reſpondere voluerint) juráre faciatis; dictis* A. B. *&* C. D. *ſimiliter injungentes, quod ipſi de dicto Officio ulterius exercendo & exequendo nullatenus ſe intromittant, quouſque aliud de nobis habuerint mandatum. Et quicquid inde feceritis, Juſticiariis noſtris ad pacem noſtram in dicto Com conſervand. aſſign. ad prox. general. Seſſionem Pacis apud* A. *in dicto Com. tenend. certificetis, hoc præceptum noſtrum tunc & ibidem remittentes. Teſte* Willielmo Bragg *Armig. uno Juſtic. noſtrorum prædict. tali die, &c.*

Charges.

A Warrant for a Conſtables Charges by Tax.

To A.B. E.F. G.H. I.K. L.M. *and* N.O.

13 & 14 Car. 2. cap. 12. 2 *Juſtices*, 1 *Quorum*. *Dalt.* 165. 3 *Jac.* c. 10. 43 *El.* 1, 2.

Devon. ſſ. FOraſmuch as we are informed by *A. B.* Conſtable of the Hundred of *H.* in the County aforeſaid, that he hath neceſſarily diſburſed for and in the behalf of the Inhabitants of the Hundred aforeſaid, in the Execution of his ſaid Office, in and about the Service of his Majeſty, ſeveral Sums of Mony, and for his Reimburſment of the ſame, hath craved from us ſuch aſſiſtance, as hath been in ſuch Caſes accuſtomed. Theſe are therefore in his Majeſty's Name to require and authorize you, the

the Inhabitants of the Hundred aforesaid, whose Names are hereunder written, or the greater number of you to take and examine the account of the said Constable touching the Premises; and for this reimbursement of such Mony as you, or the greater number of you, shall find find upon the said account to have been by him necessarily so disbursed as aforesaid, that you, or the greater number of you do forthwith make a Tax or Assessment of and upon all and every the said Inhabitants of the said Hundred, in such manner as hath formerly in such case been accustomed within the same; and to authorize you the said Constable to demand, collect and gather the said Mony so taxed and assessed; and in case of refusal of payment thereof unto you, that then you do return unto us, or some other of his Majesty's Justices of the Peace of the said County, the Names of the Persons so refusing, to the end that they may be farther dealt withal, as to Justice doth appertain. Hereof fail not at your perils. Given, &c.

A Warrant against those who refuse to pay their Hundreds Tax to the former Constable.

To the Constables, &c.

Devon. ff. WHereas complaint hath been made unto us by *A. B.* late Constable of the Hundred aforesaid, that he hath during the time he continued Constable, disbursed divers Sums of Mony, for and towards the said Hundreds charge; And whereas there was a Tax and Sess made by the Inhabitants of the said Hundred, for the payment thereof, whereof great part is unpaid; These are therefore in his Majesty's Name to charge and command you, and every of you, that you, some or one of you do cause all such Persons whose Names are hereunder subscribed, to come before us, or some of us, at our next Assembly or Meeting, at the House, &c. (*tali die*) to shew cause why they refuse to pay the several Sums of Mony rated on them respectively. Hereof, &c.

13 & 14 *Car.* 2. *c.* 12 2 *Justices*, 1 *of the* Quorum.

To diſtrain for a Hundred Charge.

To the Conſtable of the Hundred of A. *in the ſaid County.*

13 & 14 *Car.* 2. *c.* 12 2 *Juſtices.*

FOraſmuch as upon your complaint it appeareth unto us, that the ſeveral Perſons hereunder named, have refuſed to pay unto you the ſeveral Sums hereunder ſpecified, and ſeverally added to their ſeveral Names aſſeſſed on them, according to the form of the Statute in that behalf, lately made and provided towards your reimburſement of ſuch Mony as you have diſburſed in and about the execution of your Office (according to the Statute aforeſaid;) Theſe are therefore to require and authorize you to levy the ſaid ſeveral and reſpective Sums ſo aſſeſſed, upon the ſaid ſeveral and reſpective Perſons ſo refuſing to pay the ſame, rendring the overplus to the Owners, if any ſhall be. Given under my Hand and Seal the, &c.

A. B. 5 s.
C. D. 3 s.
E. F. 2 s. 6 d.
G. H. 1 s. *&c.*

An Offender ordered to be conveyed to the Gaol ought (if able) to bear his own Charges, and the charge of thoſe that convey him, and one Juſtice may direct his Warrant to the Conſtables, &c. to ſell the Goods of the Offender in that County, who refuſeth to bear his own Charges, &c. If the Offender be not able, the Pariſhioners muſt bear the Charges.

A Warrant to the Pariſhioners to make a Tax to pay the Conſtables Charges in conveying an Offender to the Gaol.

To the Churchwardens and other ſubſtantial Inhabitants of the Pariſh of C. *within the Hundred of* D. *in the ſaid County.*

3 *Jac.* 1. *cap.* 10. 1 *Juſtice.*

Devon. ſſ. FOraſmuch as *J. S.* Conſtable of the Hundred aforeſaid hath complained unto us, that you refuſe to make a Tax or Scot in the ſaid Pariſh for conveying of *G. H.* lately attached for Felony in the ſaid Pariſh, to the Gaol, not having of his own to bear his Charges thither;

thither; Theſe are therefore in his Majeſty's Name to will and command you forthwith to make a Tax or Scot for the diſcharge of ſuch Monies as the ſaid *J. S.* hath been at in the Premiſſes, or otherwiſe to come before us or ſome of us at the Houſe of, (&c.) on the day of next, and then and there to ſhew cauſe why you refuſe ſo to do. Hereof fail not, &c.

A Warrant to ſell the Goods of an Offender who refuſes to bear his own Charges to the Gaol.

To the Conſtables and Borſholders of, &c.

Devon. ſſ. FOraſmuch as complaint hath been made unto me by the Pariſhioners of *L.* in the ſaid County, That whereas *J. H.* being apprehended in the ſaid Pariſh upon ſuſpicion of Felony, and by my Warrant for that cauſe ſent from thence to his Majeſty's Gaol for the ſaid County at *G.* in the County aforeſaid, the Charges of the ſaid Pariſhioners in conveying and guarding him to the ſaid Gaol, did amount to 17 *s.* 6 *d.* and the ſaid *J. H.* hath refuſed to bear the ſame; And foraſmuch as I am credibly informed, that the ſaid *J. H.* hath Goods and Chattels within the Pariſh of *R.* in the County aforeſaid, ſufficient to defray the ſaid Charges; Theſe are therefore in his Majeſty's Name to command you and every of you to ſeize ſo much of the ſaid Goods and Chattels as ſhall be ſufficient to defray the Charges aforeſaid, and to cauſe Appraiſment to be made thereof by four of the honeſt Inhabitants of the ſaid Pariſh of *R.* where the Goods are, and after the ſaid Appraiſment, that you do ſell the ſaid Goods, and that out of the Monies ariſing by the ſale, you do pay over unto the Pariſhioners of *L.* aforeſaid, the aforeſaid 17 *s.* 6 *d*, delivering the ſaid *J. H.* the overplus, if any be. Hereof fail not at your perils. Given, &c.

3 *Jac.* 1. *cap.* 10. 1 *Juſtice.*

Conventicles and Diſſenters.

Quakers. SUCH Perſons as refuſe to take the Oaths mentioned in 1 *W.* & *M. cap.* 8. tendred by two Juſtices, *&c.* ſhall not be admitted to ſubſcribe the Declaration, unleſs within thirty one days after tender he produce two ſufficient Proteſtant Witneſſes to teſtifie upon Oath, &c. or certificates, &c.

The Form of a Certificate for one that produceth Witneſſes or Certificates according to the Act of 1 W. & M. cap. 18. *That he is no Papiſt, but a Proteſtant Diſſenter.*

Midd. ff. THeſe are to certifie all Perſons whom it may concern, That *J. S.* of the Pariſh of, (&c.) in the County aforeſaid, came before his Majeſty's Juſtices of the Peace for the ſame County, at the General [or Quarter] Seſſions of the Peace held for the ſame County at *H.* the day of in the fourth year of the Reign of our Sovereign Lord and Lady *William* and *Mary*, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King and Queen Defenders of the Faith, &c. *Anno que Dom.* 1692. and declared himſelf to be no Papiſt or Popiſh Recuſant, but a Proteſtant Diſſenter, who doth ſcruple the taking of any Oath, and therefore refuſed to the Oaths mentioned in a Statute made in the firſt year of the Reign of their preſent Majeſties, entituled, *An Act for removing and preventing all Queſtions and Diſputes concerning the aſſembling of this preſent Parliament*, (tho' the ſame were tendred to him,) but deſired to be admitted to make and ſubſcribe the Declaration mentioned in a Statute made in the thirtieth year of the Reign of his late Majeſty King *Charles* the II. entituled, *An Act to prevent Papiſts from ſitting in either Houſe of Parliament, and to make and ſubſcribe the Declaration of Fidelity and Profeſſion of his Chriſtian Belief*, in the words contained in one other Act, alſo made in the ſaid firſt year of King *William* and Queen *Mary*, entituled, *An Act for exempting their Majeſties Proteſtant Subjects diſſenting from the Church of* England *from the Penalties of certain Laws, that thereby he might be partaker of the eaſe, benefit, priviledge and advantage of the ſaid Act*, and to that end

end, and to ſatisfie the Court that he is no Papiſt, he the ſaid *J. S.* produced a certificate under the Hands of four Proteſtants [or hath produced *A. B.* and *C. D.* two ſufficient Proteſtants, who have ſatisfied upon Oath, That they believe him to be a Proteſtant Diſſenter] of whom he hath given their Majeſties ſaid Juſtices ſatisfaction, that they are conformable to the Church of *England* [*or thus*, If not of the Church of *England*, of whom he hath given their Majeſties Juſtices ſatisfaction, That they have taken the ſaid Oaths, and ſubſcribed the Declaration mentioned in the ſaid Statute made in the thirtieth year of the Reign of late King *Charles* the II.] that certifie, That they believe him a Proteſtant Diſſenter, and did alſo produce a Certificate under the Hands and Seals of ſix Men of Mr. *D. B.*'s Congregation, to which Congregation he the ſaid *J. S.* belongs, owning him the ſaid *J. S.* to be one of them, and alſo ſatisfied their Majeſties Juſtices that the ſaid ſix are ſufficient Men of the ſaid Congregation, whereupon he was admitted at the ſaid General or [Quarter] Seſſions to make and ſubſcribe the aforeſaid Declaration of Fidelity and Profeſſion of his Chriſtian Belief, in the words directed and contained in the other before mentioned Act, entituled, *An Act for exempting their Majeſties Proteſtant Subjects diſſenting from the Church of* England *from the Penalties of certain Laws*, and that at the ſaid General [or Quarter] Seſſions, he did make and ſubſcribe the ſame accordingly; and that ſuch his making and ſubſcribing the ſame, are there entred of Record, ſigned and dated the day of in the year of our Lord 1692.

Conformable Proteſtants. *Proteſtants not conformable.*

See after *Tit. Oaths.*

Againſt one for not coming to Church.

To the Conſtable, &c. of the Hundred of A. *&c.*

FOraſmuch as I have received information upon Oath, That *A. B.* of, &c. did not upon Sunday laſt paſt reſort or repair to any Church, Chappel, or other uſual place appointed for Common Prayers, and there hear Divine Service, according to the form of the Statute in that caſe made. Therefore theſe are in his Majeſty's Name to will and require you, that you, ſome or one of you do cauſe him to come before me to anſwer the Premiſſes. Hereof fail not at your perils. Given, &c.

1 *Witneſs within 4 month after default made.*

1 *Eliz. c.* 2. 3 *Jac.* 1. *cap.* 4. 13 & 14 *Car.* 2. *c.* 4. 1 *W. & M. cap.* 18. 1 *Juſtice of that diviſion.*

By 23 *Eliz. cap.* 1. The Juſtice may certifie the Name of him that abſents a year from the Church into the *Kings Bench*, where he may be bound in 200 *l.* to be of Good Behaviour, and ſo remain till he reform and come to Church. If he comes not to Church in a year, he forfeits his Recognizance, *Lamb.* 114, 115, 127, 130.

By the afore recited Act of 1 *W.* & *M. cap.* 18. 'Tis provided, That all the Laws made and provided for frequenting of Divine Service on the Lords-day, commonly called *Sunday*, ſhall be ſtill in force, and executed againſt all Perſons that offend againſt the ſaid Laws, except ſuch Perſons come to ſome Congregation or Aſſembly of Religious Worſhip allowed or permitted by this Act.

To levy 1 *s. per* Sunday for not coming to Church.

To the Churchwardens of the Pariſh of A. *in the ſame County, and to either of them.*

1 *Eliz. c.* 2. 1 *Jac. c.* 4. 14 *Car.* 2. *cap.* 4. 1 *W* & *M. cap.* 18. 1 *Juſtice of that Diviſion*, &c.

Devon. ff. FOraſmuch as *A. B.* of the Pariſh aforeſaid, ſingle-man, did not upon the fourteenth of *March*, nor upon the Sunday then next following, nor upon the Sunday after next enſuing, reſort or repair to any Church, Chappel, or other uſual place appointed for Common Prayer, and there hear Divine Service, according to the form of the Statute in that behalf made, and being called before me, did not make ſufficient excuſe and due proof of the ſaid default to my ſatisfaction. Theſe are in his Majeſty's Name to will and require you, that you, ſome or one of you do levy by diſtreſs and ſale of the Goods of the ſaid *A. B.* 3 *s.* for his defaults aforeſaid, to be imployed to and for the uſe of the Poor of that Pariſh, rendring the overplus of the Monies raiſed of the Goods aforeſaid to be ſold, and in default of ſuch diſtreſs, that you do certifie me thereof, with all convenient ſpeed, to the end that I may farther proceed therein, as to Juſtice doth appertain. Hereof fail not at your perils. Given, &c.

A.

A *Mittimus* to the Gaol for not coming to Church, for want of Diſtreſs.

To the Conſtable, &c. of the Hundred of, &c. and to the Keeper of his Majeſty's Goal, &c.

WHereas by Warrant under my Hand and Seal, the Church-wardens of the Pariſh of *A.* in the ſaid County, were lately by me commanded to levy 3 *s.* by diſtreſs and ſale of the Goods of *A. B.* of the Pariſh of *A.* aforeſaid, to be imployed to and for the uſe of the Poor of that Pariſh, for that he did not upon the fourteenth day of *March*, nor upon the Sunday next after enſuing, reſort or repair to any Church, Chappel, or other uſual place appointed for Common Prayer, and there hear Divine Service, according to the form of the Statute in that caſe made and provided, and the Church-wardens aforeſaid have returned to me, that the ſaid *A. B.* hath no Goods or Chattels ſufficient for the levying of the Monies aforeſaid. Theſe are therefore in his Majeſty's Name to will and require you, that you, ſome or one of you do take the aforeſaid *A. B.* and him ſafely convey to his Majeſty's Gaol, &c. aforeſaid, and there deliver him to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely keep, until payment ſhall be made of the Monies aforeſaid. Hereof fail not at your perils. Given, &c.

1 *Eliz. c.* 2. 3 *Jac.* 1. *cap.* 4. 1 *W. & M. cap.* 18. 1 *Juſtice of that Diviſion.*

A Warrant againſt an Incumbent for not officiating once a month.

To the Church-wardens and Overſeers of the Pariſh of S. in the ſaid County.

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That *J. O.* the proper Incumbent of the Parſonage [Vicarage or Benefice] of, (&c.) with Cure in the County aforeſaid, doth reſide on his Living, and keep a Curate, and hath not himſelf in Perſon within one month now laſt paſt openly and publickly read the

13 & 14 *Car.* 2. *c.* 4. 2 *Juſtices, Confeſſion or* 2 *Witneſſes.*

Common Prayers, in and by the Book prescribed by the Statute made in the thirteenth year of King *Charles* the II. intituled (*An Act for the uniformity of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the form of making, ordaining and consecrating Bishops, Priests and Deacons in the Church of* England,) in the Parish Church of *S.* to the said Parishioners, in such order, manner and form as in and by the said Book is appointed, whereby he hath by virtue of the Statute aforesaid, forfeited 5 *l.* to the use of the Poor of the Parish aforesaid. These are therefore in his Majesty's Name to will and required you, and every of you, that you, or some of you do demand of the said *J. O.* the aforesaid 5 *l.* to the use of the Poor aforesaid, and in default of payment thereof within ten days after such demand, that you or some of you do levy the same by distress and sale of the Goods and Chattels of the said *J. O.* rendring him the overplus. Hereof fail not, &c.

The like Warrant may be made *mutatis mutandis*, if he do not (if there be occasion) administer each of the Sacraments, and other Rites of the Church, once in every month.

Note, The Ordinary may allow an Impediment.

Corporations.

A Certificate concerning the taking the Oath, and subscribing the taking the Declaration mentioned in the Statute about regulating of Corporations.

Devon. ss. MEmorandum, That *A. B.* of, &c. did upon the twentieth day of *March*, &c. before us, whose Names are here-under subscribed (his Majesty's Justices of the Peace of the said County) take the Oaths of Allegiance and Supremacy, and the Oath appointed to be taken by the Statute made in the thirteenth year of his late Majesty's Reign, entituled, *An Act for the well governing and regulating of Corporations*; And did likewise before us subscribe the Declaration in the said Statute

also

also mentioned: In Testimony whereof we have hereunto set our Hands and Seals the, &c.

Customs and Customers.

Against those who affront Customers or Officers in due execution of their Office.

To the Constable, &c. and to the Keeper of his Majesty's Gaol, &c.

Devon. ff. FOrasmuch as it hath been made appear unto me, that *A. B.* and *C. D.* &c. have lately been forceably hindred in due execution of their Office, in their said Places, by *E. F.* of *G. H. I.* of *K.* armed with, &c. These are therefore in his Majesty's Name to require you the said Constable, &c. and every of you, that you, some or one of you do take the said *E. F.* and *H. I.* and them there deliver to the said Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into his said Gaol, and him there safely keep until the next Quarter Sessions, there to be dealt with as by the Statute in that behalf lately made is appointed. Hereof fail not at your perils. Given under my Hand and Seal, &c. 13 & 14 *Car.* 2. *c.* 11 1 *Jac.* 2. *cap.* 4, 5.

Against any that shall carry away Goods without paying Custom, &c.

To the Constable, &c. of the Hundred of A. *in the said County, and to every of them.*

Devon. ff. FOrasmuch as complaint hath been made unto me, that *A. B.* of, &c. hath assisted in the carrying away of Goods (whereof the Custom or Duty are payable to the King) at *C.* in the County aforesaid, without notice thereof given to any of the Officers of his Majesty's Customs, or paying of any Duty or Custom for the same. These are therefore in his Majesty's Name to will and require you, and every of you, that you, some or one of you do apprehend the said *A. B.* and him bring before 13 & 14 *Car.* 2. 2 *Witnesses*

before me to anſwer the Premiſes, and farther to do and receive as by the ſaid Statute in that behalf lately made is appointed. Hereof fail you not at your perils. Given under my Hand and Seal the, &c.

A *Mittimus* for the firſt Offence of carrying away Goods without paying Cuſtom, *&c.*

To the Conſtable, &c. and to the Keeper of his Majeſty's Gaol, &c.

12 *Car.* 2. *cap.* 4, 19. 13 & 14 *Car.* 2. *c.* 11 1 *Juſtice,* 2 *Witneſſes for the firſt Offence, to be committed to Gaol till he find Sureties for Good Behaviour.*

Devon. ſſ. FOraſmuch as it hath been duly proved before me, that *A. B.* of, &c. (as in the laſt Warrant.) Theſe are therefore in his Majeſty's Name to require you the ſaid Conſtable, &c. and every of you, that you, ſome or one of you do convey the ſaid *A. B.* to his Majeſty's Gaol aforeſaid; and him there deliver to the aforeſaid Keeper of the ſame, together with this Precept, requiring alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely keep until he ſhall find ſufficient Sureties to be of Good Behaviour for ſo long time, until he be thereof diſcharged by the Lord Treaſurer, Chancellor or Under-Treaſurer, or Barons of the Exchequer. Hereof fail not at your perils. Given, &c.

A *Mittimus* for the ſecond Offence for carrying away Goods, *&c.*

To the Conſtable, &c. and to the Keeper of his Majeſty's Gaol, &c.

13 & 14 *Car.* 2. 1 *Juſtice,* 2 *Witneſſes, for the ſecond Offence to pay* 5 *l.*

Devon. ſſ. FOraſmuch as it hath been duly proved before me, that *A. B.* of, &c. hath aſſiſted, &c. (as in the Warrant laſt but one.) And foraſmuch as the ſaid *A. B.* hath once before offended in the like kind. Theſe are therefore in his Majeſty's Name to require you the ſaid Conſtables, &c. and every of you, that you, ſome or one of you do convey the ſaid *A. B.* to his Majeſty's Gaol aforeſaid, and him there ſafely deliver to the aforeſaid Keeper of the ſame, together with this Precept, requiring alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely keep, by the ſpace of two months

months, without Bail or Mainprize, or until he ſhall pay to the Sheriff of the County aforeſaid, the Sum of 5 *l.* for the uſe of his Majeſty, or until he ſhall, by the Lord Treaſurer, Chancellor or Under-Treaſurer, or Court of the Exchequer be thence diſcharged. Hereof fail not at your perils. Given under my Hand and Seal the, &c.

Deer.

A Warrant againſt one for ſtealing Deer.

To the Conſtable, &c. of the Hundred of A. *in the ſaid County, and to every of them.*

Devon. ſſ. FOraſmuch as it hath been duly proved before me, that *A. B.* of, &c. hath unlawfully killed one Fallow-Deer in the Park of *C. D.* of, &c. againſt the form of the Statute in that caſe made and provided. Theſe are therefore in his Majeſty's Name to will and require you, and every of you, that you, ſome or one of you do levy by way of diſtreſs upon the Goods and Chattels of the ſaid *A. B.* the Sum of 20 *l.* by him forfeited for the Offence aforeſaid, the one moiety thereof to *C. D.* who informed of the ſaid Offence, the other moiety to the uſe of *E. F.* Owner of the Deer aforeſaid; and in caſe of want of ſufficient diſtreſs, that you certifie thereof forthwith. Given under my Hand and Seal the, &c.

4 & 5 *W.* & *M. c.* 23. 13 *Car.* 2. *cap.* 10. 3 *Jac.* 1. *cap.* 13. 5 *El. c.* 21. 1 *H.* 7. *c.* 7.

Note, See the Penalties in the firſt part of this Book, *Tit. Hunting*, &c.

A *Mittimus* to the Gaol for want of Diſtreſs.

To the Conſtable, &c. and to the Keeper of his Majeſty's Gaol, &c.

Devon. ſſ. WHereas by my Warrant, you the ſaid Conſtable, &c. were lately required to levy by way of diſtreſs upon ſale of the Goods and Chattels of *A. B.* the Sum of 20 *l.* by him forfeited for an Offence lately committed againſt the form of the Statutes made in the 3d, 4th and 5th years of their Majeſties Reign, intituled, *An Act to prevent the unlawful Courſing, Hunting, hard La-*

13 *Car.* 2. *cap.* 10. 1 *Juſtice*, 1 *or more Witneſſes*, 6 *months hard La-*

or

hour, 12 months Imprisonment, and sureties for Good Behaviour for a year then following.

or killing of Deer, and you the said Constable have not sufficient distress to be taken for the Monies aforesaid. These are therefore in his Majesty's Name to will and require you the said Constable, &c. and every of you, that you, some or one of you do take the said *A. B.* and him safely convey to the Gaol aforesaid, and deliver him to the aforesaid Keeper of the same (together with this Precept) requiring also you the said Keeper to receive him into the said Gaol, and him there safely keep for the space of one whole year without Bail or Mainprize. And farther, till he hath given sufficient Sureties for his Good Behaviour for a whole year next ensuing after his Enlargement. Hereof fail you not at your perils. Given, &c.

Note, See the first part of this Book, *Tit. Deer* and *Game*, and the Penalties by Stat. 4 & 5 *W.* & *M.*

The like *Mittimus* may serve to the House of Correction, *mutatis mutandis.*

Another *Mittimus* to the House of Correction for killing Deer.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

WHereas, &c. (as in the aforegoing *Mittimus*, until.) These are therefore in his Majesty's Name to will and require you the said Constable, &c. that you, some or one of you do take the said *A. B.* and him safely convey to the aforesaid House of Correction, and deliver him to the Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said House, and there detain and put him to hard Labour for one year. Hereof fail you not at your perils. Given, &c.

See in the first part *Tit. Hunting*, &c.

Drunkenness, See Ale-houses, &c.

A Diſtringas.

GUlielmus *tertius Dei gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Rex, Fidei Defenſor*, &c. *Vic. Com.* Devon. *ſalutem. Præcipimus tibi quod non omittas propter aliquam libertat. in balliva tua, quin eam ingrediaris, & diſtringas* A. B. *de*, &c. *in Com. tuo, Yeoman, per omnia terras & tenementa*, &c. *& quod de exitibus eorum nobis reſpondeas*, &c. *Et quod Habeas corpus ejus coram*, &c. *Juſt.* &c. *ad reſpond.* &c. *Teſte*, &c.

Exigent.

GUlielmus *tertius*, &c. *Vic.* &c. *ſalut. Præcipimus tibi quod exigi fac.* A. B. *de* C. *in Com. tuo Yeoman, quouſque ſecundum legem & conſuetudinem regni noſtri* Angliæ *utlegetur, ſi non comparuerit, & ſi compar. tunc eum Capias, & ſalvo cuſtod. fac. ita quod Habeas corpus ejus coram* D. E. *&* F. G. *duobus Juſt. ad pacem noſtram conſervand. nec non ad diverſa Felon. Tranſgr. & alia malefacta in eodem Com. tuo perpetrata audiend. & terminand. aſſign. apud* L. *in Com. tuo* 13 *die* Martii *prox. futur. ad reſpond. nobis de diverſis Tranſgr. contempt. & offenſis, de quibus ipſe indictat. exiſtit. Et habeas ibi tunc hoc breve. Teſte*, &c. 4 *die* Martii *anno regni noſtri ſecundo.*

Exciſe.

A Warrant to ſummon thoſe who refuſe to pay their Exciſe.

To the Conſtables, &c.

Devon. ſſ. WHereas complaint hath been made unto us this preſent day, that *A. B.* of, &c. ſworn Officers to the Commiſſioners of Exciſe of Ale and Beer of the ſaid County, that *E. F.* of *G.* in the ſaid County Victualler, hath brewed and put to ſale certain Barrels of Strong-Beer, ſince the firſt day of *March* laſt paſt, with-

12 *Car.* 2. *cap.* 23, 24.
1 *Jac.* 2. *cap.* 1, 5.
15 *Car.* 2. *cap.* 11, 12.

16 & 17 Car. 2. c. 4. 1 W. & M. cap. 24. without paying the Duty of Exciſe, in compounding with the Commiſſioners for this Diviſion, contrary to an Act of Parliament in that behalf made. Theſe are therefore in his Majeſty's Name to require you, ſome or one of you, that you, ſome or one of you do cauſe the ſaid *E. F.* to be and appear before us (*tali die & loco*) to ſhew cauſe why he the ſaid *E. F.* ſhould not pay the Duty of Exciſe as aforeſaid. Hereof fail not, &c.

Entry.

A Warrant to levy the double value of the Exciſe, not paid according to the Entry made.

To the Conſtables, &c.

12 Car. 2. cap. 23, 24. 2 Juſtices. *Glouc. ſſ.* FOraſmuch as complaint hath been made unto us, whoſe Names are here-under ſubſcribed, his Majeſty's Juſtices of the Peace of the County aforeſaid, That *A. B.* of, &c. hath not paid or cleared off his Duty of Exciſe, unto ſuch Perſons as by the Statute in that behalf made, is appointed, according to the Entry of the ſaid *A. B.* in that behalf made, as by the Statute aforeſaid is directed, and upon examination of the complaint aforeſaid, we do find the ſame to be true. Theſe are therefore in his Majeſty's Name to require you, and every of you, that you, ſome or one of you do levy upon the Goods and Chattels of the ſaid *A. B.* the Sum of 20 *s.* being the double value of the Duty ſo not paid and cleared off, and by him forfeited, according to the form of the ſaid Statute, and to ſell the Goods and Chattels (if they ſhall not be redeemed within fourteen days) and that you pay the Mony ſo levied to ſuch Perſon or Perſons, as by the Statute is directed, rendring to the ſaid *A. B.* the overplus (if any be) and for want of ſuch ſufficient diſtreſs, that you do certifie us thereof; to the end we may farther proceed touching the ſame (as by the Law is appointed.) Hereof fail you not at your perils. Given, &c.

Inn-keeper, Ale-houſe-keeper, Victualler and Retailer of Beer, Ale, Cyder, Perry, Metheglin, Strong-water, brewing, making or retailing of the ſame, every month to make parti-

particular Entries thereof at the Office of Exciſe within their Limits, and forfeit for every refuſal 20 *s.* the Brewer not paying off within a Week after entry, and Inn-keeper, Ale-houſe-keeper, Victualler, or or other Retailer not paying within a month after entry, to pay double Duty.

To levy the Forfeiture, not making a due Entry.

To the Conſtable, &c. of the Hundred of A. *and to every of them.*

Devon. ſſ. FOraſmuch as complaint hath been made unto us, whoſe Names are hereunder ſubſcribed his Majeſty's Juſtices of the Peace of the County aforeſaid, that *A. B.* of, &c. hath not made ſuch due and particular Entry of his Ale and Beer, as by the Statute in that caſe is required, and upon examination of the complaint aforeſaid, we do find the ſame to be true. Theſe are therefore in his Majeſty's Name to will and require you, and every of you, that you, ſome or one of you do levy upon the Goods and Chattels of the ſaid *A. B.* the Sum of 5 *l.* by him forfeited for his Offence aforeſaid, according to the form of the Statute in that caſe made and provided, and to ſell the ſaid Goods and Chattels, if they ſhall not be redeemed within fourteen days, and that you pay the Monies ſo levied to ſuch Perſon or Perſons, as by the ſaid Commiſſioners is appointed, rendring to the ſaid *A. B.* the overplus, if any be, and for want of ſufficient diſtreſs, that you do forthwith certifie us thereof, to the end we may farther proceed, touching the ſame, as by the Law is appointed. Hereof fail not at your perils. Given, &c.

12 *Car.* 2. *cap.* 23, 24. 2 *Juſtices, Common Brewer forfeits* 10 *l. Inn-keeper* 5 *l. Ale-houſekeeper Victualler, Retailer of Beer, Ale, Cyder, Perry, Metheglin or Strong-water forfeits* 20 *s. See* 15 Car. 2. *c.* 11, 12.

Againſt one that hindreth a Gager to gage or take an account of his Beer, *&c.*

To the Conſtables, &c.

Devon. ſſ. FOraſmuch as complaint hath been made unto us, whoſe Names are hereunder ſubſcribed his Majeſty's Juſtices of the Peace of the ſaid County, that *A. B.* of, &c. hath contrary to the Statute in that caſe made,

12 *Car.* 2. *c.* 23. *confirmed cap.* 24. 2 *Juſtices.*

made, refuſed to permit *C. D.* a Gager, appointed according to the Statute aforeſaid, to enter into his Brew-houſe to gage or take an account of his Beer and Ale; and having by the ſaid Gager been thereupon forbidden to ſell or carry out, or deliver to any of his Cuſtomers, any Beer or Ale; yet notwithſtanding the ſaid *A.B.* after ſuch warning given, hath carried out thirty Barrels of Beer and Ale, not having paid or cleared the Duty of Exciſe; and upon examination of the ſaid complaint, we do find the ſame to be true. Theſe are therefore in his Majeſty's Name to will and require you, that you, ſome or one of you do levy upon the Goods and Chattels of the ſaid *A. B.* the Sum of 5 *l.* for his Offence aforeſaid, according to the form of the ſaid Statute, and to ſell the ſaid Goods and Chattels, if they ſhall not be redeemed within fourteen days, and that you pay the Monies ſo levied, to ſuch Perſon or Perſons, as by the ſaid Commiſſioners is directed, rendring to the aforeſaid *A. B.* the overplus (if any be) and for want of ſufficient diſtreſs, that you do forthwith certifie us thereof; to the end we may farther proceed touching the ſame, as by Law is appointed. Hereof fail not at your perils. Given, &c.

Brewer, Inn-keeper, Victualler or Retailer of Beer, Diſtiller of Strong-water or Retailer of Beer, Ale, Cyder, Perry, Metheglin or Strong-water over and above the double value pay 5 *l.*

See 1 *W.* & *M.* concerning Diſtillers of Strong-waters, &c.

A Warrant to levy 10 *l.* againſt ſuch as bribe an Officer of Exciſe, or againſt any Officer taking ſuch Bribe.

To the Conſtable, &c.

15 *Car.* 2. *cap.* 11, 12. 2 *Juſtices.*

Devon. ff. FOraſmuch as it hath been duly proved before us, that *J. D.* of, &c. Brewer, did Bribe [or corrupt by Mony, Fee or other Reward] *R. R.* Gager [&c.] to make a falſe return or report unto the Office of Exciſe of Beer, Ale, &c. exciſable within his Diviſion (Charge or Walk) in the ſaid County, or to forbear or omit the doing or executing of his Place of Employment againſt the form of an Act of Parliament lately made, intituled, (*An additional Act for the ordering and collecting*

letting the Duty of Exciſe, and preventing the Abuſes thereof,) whereby he hath forfeited 10 *l.* for his ſaid Offence. Theſe are therefore in his Majeſty's Name to charge and command you, and every of you to levy by diſtreſs and ſale of the Goods of the ſaid *J. D.* the aforeſaid 10 *l.* rendring to him the overplus. Hereof fail not at your perils. Given, &c.

Hereupon a *Mittimus* may be made for want of diſtreſs, and the like Warrants and Mittimus may be againſt any ſworn Gager, or other Officer that ſhall take and receive Bribe, Mony, Fee, Gift or other Reward of any Brewer, or other Perſon, &c. relating to the Exciſe.

Againſt a Brewer that maketh a falſe Entry, whereby the Allowance for filling and leakage is taken away for ſix months.

To the Conſtable, &c.

Devon. ſſ. FOraſmuch as by the Statute in that behalf made, It is enacted, That all common Brewers, and Makers of Beer or Ale (not ſelling the ſame by retail, and for and in conſideration of waſt, by filling and leaking of their Beer and Ale, ſhall be allowed their returns made by the Gagers, upon every twenty three Barrels of Beer (whether ſtrong or ſmall) returned by the ſaid Gagers, three Barrels, and upon every twenty two Barrels of Ale, whether ſtrong or ſmall returned by the Gagers, two Barrels. And foraſmuch as *A. B.* of, &c. in the ſaid County, common Brewer, hath this preſent day been duly convicted before us, that he hath wittingly and willingly made a falſe Entry of five Barrels of Beer by him lately brewed, contrary to the form of the Statute aforeſaid. We do therefore adjudge, that the ſaid *A. B.* ſhall forfeit and loſe for his Offence aforeſaid, over and beſides the Penalties in the ſaid Act mentioned, the ſaid Allowances ſo to be made for ſix months now next enſuing. Given, &c. 12 *Car.* 2. *c.* 23. *confirmed* 24. *Juſtices.* See 1 *W.* & *M.* *c.* 24.

See the new Statutes of *W.* and *M.* 100 *l.* forfeiture for uſing Moloſſes, Hony, Sugar or extract of Sugar. See after under this Title.

A Warrant againſt one that hath made a falſe Entry to appear, &c.

To A. B. *of*, &c. *in the ſaid County.*

22 *Car.* 2. *c.* 23. *confirmed c.* 24. 2 *Juſtices. This upon complaint of falſe Entries of Liquors.*

FOraſmuch as complaint hath been made unto us, that you the ſaid *A. B.* have made a falſe Entry of Ale and Beer, lately brewed by you contrary to the form of the Statute in that caſe made and provided. Theſe are therefore to require you to appear before us at the Houſe of *C. D.* in *E.* in the County aforeſaid, upon the ſixteenth day of *September* next enſuing, by ten of the Clock in the Forenoon of the ſame day, to anſwer the Premiſes. Hereof fail not at your perils. Given, &c.

The like Warrants may ſerve upon all Statutes touching Exciſe. (*mutatis mutandis.*)

A *Mittimus* for want of Diſtreſs.

To the Conſtable, &c. *and to the Keeper*, &c.

22 *Car.* 2. *Devon ſſ.* *c.* 23. *confirmed c.* 24. 2 *Juſtices.*

WHereas by Warrant under our Hands, you the ſaid Conſtable, &c. were required to levy of the Goods and Chattels of *A. B.* of, &c. the Sum of, &c. by him forfeited, according to the form of the Statute, entituled, *A Grant of certain Impoſitions upon Beer, Ale and other Liquors, for the increaſe of his Majeſty's Revenues during his Life*; And you the ſaid Conſtable have this day certified us, that the ſaid *A. B.* hath not ſufficient diſtreſs, whereby the ſaid Sum of, &c. can be levied. Theſe are therefore in his Majeſty's Name to will and require you, and every of you, that you, ſome or one of you do take the ſaid *A. B.* and him ſafely convey to the ſaid Gaol aforeſaid, and there deliver him to the Keeper of the ſame, together with this Precept, requiring alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there in Priſon to keep till ſatisfaction be made of the ſaid Sum of, &c. Hereof fail you not at your perils. Given under our Hands and Seals at, &c.

By the Statute of 1 *W.* & *M. cap.* 24. There ſhall be paid to his Majeſty (over and above all former Duties paid) for three year from the 24*th* of *July* 1989.

For

For every Barrel of Beer or Ale above 6 *s.* *per* Barrel brewed by any that ſell the ſame to be paid by the Brewer 9 *d.*

For every ſuch Barrel of 6 *s.* or under 3 *d.*

For every Barrel of Vinegar made of Engliſh Materials 1 *s.* 6 *d.* and made of Foreign Materials 4 *s.*

For every Barrel of Beer, Ale or Mum imported from beyond the Seas 3 *s.*

For every Tun of Cyder or Perry imported 4 *l.*

For every Gallon of ſingle Brandy or *Aqua vitæ* imported 2 *s.*

For every Gallon of double Brandy 4 *s.*

For every Hogſhead of Cyder and Perry made and ſold by retail 1 *s.* 3 *d.*

For every Gallon of Metheglin or Mead ſold by retail, or otherwiſe made by the Maker 3 *d.*

34 Gallons of Beer or Ale to the Barrel, and no more to all common Brewers not in *London*, or in the Bills of Mortality, and allowance for Waſt, &c. (out of the Returns made by the Gagers) 2 Barrels and a half upon every 23 Barrels.

Common Brewers within *London*, and the Bills of Mortality, allowed 36 Gallons of Beer, and 32 Gallons of Ale to the Barrel, and for want, &c. upon 23 Barrels of Beer 3 Barrels, and upon 23 Barrels of Ale, 2 Barrels, as by the Statute of 12 *Car.* 2. *cap.* 23.

Every Brewer, &c. forfeits for Moloſſus, &c. as before obſerved, all the Liquors wherein the ſame ſhall be put, and alſo 100 *l.* one moiety to his Majeſty, the other to the Informer, to be recovered by ſuch Suit, &c. which is to be commenced, &c. within 6 months after the Forfeiture.

The Gagers to leave Notes in Writing at the time of their Gaging, with all Brewers, &c. or their Servants, containing the quantity and quality of their Liquors then gaged, or to forfeit 40 *s* for every Offence or Neglect.

See the Statutes at Large, and the time of their continuance.

Forcible Entry.

A Record of a Forcible Entry and Mittimus.

Lamb. 149, 150.

Memorandum quod tertio die menſis Marcii *Anno Regni Domini noſtri* Willielmi *tertio queſtus eſt mihi* Thomæ Put, *uni Juſticiar. dicti Domini Regis ad pacem in dicto Comitatu conſervandum aſſignat. quidam* A. B. *de dicto Comitatu Yeoman, quod* C. D. *& nonnulli alii Pacis dicti Domini Regis perturbatores ignoti, in domum mancionalem ipſius* A. B. *predict. manu forti ingreſſi ſunt, & ipſum* A. B. *diſſeiſiverunt, ac eundem manu forti & armata potentia adhuc tenent, ac proinde petiit a me ſibi in hac parte remedium apponi, qua quidem querimonia & petitione audita ego prefatus* Thomas Put *immediate ad dictam domum manſionalem perſonaliter acceſſi, ac in eadem domo adtunc inveni prefatum* C. D. *& quoſdam* F. G. H. I. *domum illam vi & armis, manu forti & armata potentia (viz. arcubus & ſagittis, gladiis, pugionibus, galeis & loricis) tenentes contra formam Statuti in Parliamento Domini* Richardi *nuper Regis Angliæ ſecundi Anno Regni ſui decimo quinto tento, proviſi & contra formam diverſorum aliorum Statutorum. Ac propterea ego prefatus* Thomas Put *predict. &c. adtunc & ibidem arreſtavi proximeque Gaole dicti Domini Regis apud Caſtrum de* E. *in dicto Comitatu duci feci, ut de dicta manuforti & detentione per viſum & recordum meum convictos, ibidem moretur, quouſque finem dicto Domini Regi pro tranſgreſſ. ſuis predictis fecerint dat. apud* F. *predict. ſub ſigillo meo die & anno ſupradictis.*

The form of the *Mittimus* to the Gaol of ſuch as hold Lands by force.

15 *R.*2. *c.*2. 8 *H.*6. *c.*9. 31 *El.c.*10. 1 *Bulſt.*101 2 *Bulſt.*221 3 *Bulſt.*70, 92.

A. B. Eſquire, one of the Juſtices of the Peace of our Sovereign Lord the Kings Majeſty, within the ſaid County of *Devon*, to the Keeper of his Majeſty's Gaol at, &c. in the ſaid County, or to his Deputy or Deputies there, and to every of them greeting: Whereas upon complaint made unto me this preſent day by *A. B.* in the ſaid County, Yeoman; I went immediately to the Dwelling-houſe of the ſaid *A. B.* aforeſaid, and there found *C. D.*

C. D. E. F. G. H. J. K. aforeſaid, Labourers, forcibly and with ſtrong Hands and armed Power, holding the ſaid Houſe, againſt the form of an Act of Parliament thereof made, in the fifteenth year of the late King *Charles* the II. Therefore I ſend you by the Bringers hereof, the ſaid *A. B. C. D. E. F.* &c. conviſted of the ſaid forcible holding by my own View, Teſtimony and Record, commanding you in his Majeſty's Name to receive them into your ſaid Gaol, and there ſafely to keep them until ſuch time as they ſhall make their Fines to our ſaid Sovereign Lord for their ſaid Treſpaſſes, and ſhall be thence delivered by the order of the Law of the Land. Hereof fail you not upon the peril that may follow thereof. Given at *F.* aforeſaid, under my Hand and Seal, the day and year aboveſaid.

Of forcible Entries the Seſſions muſt be held upon complaint of the party grieved within convenient time, 8 H. 6. c. 9. Crompt. 124.

The form of a Precept to the Sheriff to return a Jury for an enquiry.

A. B. *Baronettus, unus Juſticiar. Domini Regis ad pacem in Com.* Devon. *conſervand. aſſign. Vicecomiti ejuſdem Comitatus Jalutem. Ex parte dict. Dom. Regis tibi mando & precipio, quod venire facias coram me apud* F. *in Com. pred. viceſimo die* Octobris *proxime futur.* 24 *probos ſufficientes, & legales homines de vicineto de* P. *in Com. pred. quorum quilibet habeat* 40 *ſolid. terrar. & tenementorum vel redd. per annum ad minus ultra repriſas, ad inquirend. ſuper ſacrament. ſuum pro dicto Domino Rege de quodam ingreſſu manu forti facto in meſuag. cujuſ-* A. B. *apud* C. *pred. contra formam Stat. in Parliam. Dom.* Hen. *nuper Regis Anglie ſexti, anno Regni ſui octavo tento editi ut dicitur. Et videas quod ſupra quemlibet Juratorum per te in hac parte impanellandorum viginti ſolidos de exitibus ad prefat. diem returnes. Et hoc nullatenus omittas ſub pœna viginti librarum, quam noveris te incurſurum ſi in executione premiſſor. tepidus aut remiſſus fueris: Et habeas ibi tunc hoc Præceptum. Teſte me prefat.* A. B. *decimo die* Martii *anno Regni Domini noſtri* Willielmi *tertii, Dei gratia,* Angliæ, Scotiæ, Franciæ & Hiberniæ *Regis, Fidei Defenſor.* &c. *ſeptimo.*

The Form of the Enquiry, Preſentment, and Verdict of the Jury.

INquiſitio pro Domino Rege capt. apud B. *in Com. pred. ſecundo die* Martii, *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Regis Fidei defenſor.* &c. *per ſacramentum* A. B. C. D. E. F. G. H. &c. *coram* T. P. *uno Juſticiar. dicti Domini Regis ad pacem in dicto Comit. conſervand. nec non ad diverſa Felonias, Tranſgreſſ. & alia malefacta in eodem Com. perpetrata audiend. & terminand. aſſign. Qui dicunt ſuper ſacrament. ſuum pred. quod* A. B. *pred. Yeoman, diu legitime & pacifice ſeiſitus fuit in dominico ſuo ut de feodo de & in uno meſuagio,* &c. *cum pertinentis in* C. *pred. & poſſeſſionem ac ſeiſinam ſuam pred. ſic continuavit, quouſq;* J. S. *de,* &c. *& alii Malefactores ignoti, tali die,* &c. *ultimo elapſo (vi & armis,* viz. *cum baculis, gladiis, & ſagittis, cultellis, falcaſtris, lapid. & aliis armis defenſivis & invaſivis) in meſuagium pred.* &c. *intraverunt, ac ipſum* A. B. *ſic diſſeiſitum & expulſum ab eodem meſuagio,* &c. *a pred. tali die,* &c. *uſq; ad diem captionis hujus inquiſitionis, cum hujuſmodi fortitudine & potentia armata extratenuerunt, & adhuc extratenent, in magna pacis dicti Dom. Regis perturbationem, ac contra formam Statuti in Parliament. Dom.* Hen. *nuper Regis* Angliæ *ſexti, anno regni ſui octavo tento, in tali caſu editi & proviſi: Ubi nullus eorum, nec aliquis alius, cujus ſtatum ipſi aut aliquis eorum habuerunt, aut habuit, aliquid in eodem meſuagio,* &c. *aut in aliqua inde parcella habuerunt, aut habuit, infra tres annos proxime ante ingreſſ. ſuum pred. neq; alio tempore precedente, ad notitiam Jurator. pred.*

A Warrant to the Sheriff to make reſtitution.

Kelw. 41. 3 Blſt. 71. Dyer 141

J. D. *Bar. unus Juſt.* &c. *aſſign. Vic. ejuſd. com. ſalut. cum per quendam Inquiſition. patriæ coram me apud* F. *in com. pred. tali die Menſis,* &c. *ſuper ſacrament.* A. B. C. D. E. F. G. H. &c. *ac formam ſtat. de ingreſſibus manuforti factis in tali caſu proviſ. Compertum fuit quod* J. S. *&* J. D. *primo die Menſis,* &c. *in quoddam meſſuag.* &c. A. B. *pred. vi & armis ingreſſi ſunt, ac ipſum* A. B. *inde tunc manu forti diſſeiſiverunt & expuler. & ipſum* A. B. *ſic expulſum a pred. meſuag.* &c. *a pred. primo die menſis,* &c. *uſq; ad diem captionis inquiſition. pred. manuforti & cum potentia extra tenuerunt, prout per inquiſition. pred. plenius liquet*

quet de recordo. Ideo ex parte dict. Dom. Regis tibi mando & præcipio, quod (ad hoc debite requiſitus) una cum poſſe comitatus tui (ſi neceſſe fuerit) accedas ad meſnag. & cætera præmiſſa, ac eadem cum pertin. reſeiſir. facias & pref. A. B. *ad & in plenam poſſeſſionem ſuam inde, prout ipſe ante ingreſſ. pred. fuerat ſeiſit. reſtitui & mitti facias, juxta formam dicti ſtat. & hoc nullatenus omittas ſub periculo incumbente. Teſte me prefat.* J. D. &c.

See after *Tit. Rait.*

A Warrant to apprehend a Felon charged.

To the Conſtable, &c.

Devon. ſſ. FOraſmuch as I have received information and charge againſt *J. D.* of, &c. for felonious taking of, &c. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do attach the ſaid *J. D.* of, (&c.) and him before me bring, or before ſome other of his Majeſty's Juſtices of the Peace for the ſaid County to be examined touching the ſaid Premiſſes, and to be farther dealt withal according to Law. Hereof fail you not, &c. Given, &c.

A Warrant to ſearch for and apprehend a Felon ſuſpected.

Devon. ſſ. FOraſmuch as complaint hath been made unto me by *J. S.* that he hath lately had certain Goods feloniouſly taken from him, namely, ſix Silver Spoons, &c. and that he doth greatly ſuſpect ſeveral evil diſpoſed Perſons of your Town of *G.* Theſe are therefore in his Majeſty's Name to require you, that immediately upon ſight hereof, you make diligent ſearch in all and every ſuſpected Houſes and Places within your Pariſh, as you and the ſaid *J. S.* ſhall think convenient; and if upon your ſearch you find any of the ſaid Goods in the Hands of any Perſon, or ſhall have any other juſt cauſe of ſuſpicion of any Perſon, that then you bring ſuch ſuſpected Perſon before me, or ſome other of his Majeſty's Juſtices of the Peace for the County of *D.* to be examined touching the Premiſes, and to be farther dealt withal according to Law. Hereof fail not, &c.

1 *R.* 3. *c.* 3. 21 *Jac.* 1. *c.* 26. 1 *Juſtice*, 2 *Roll* 226, 246.

Felony.

A Mittimus *of a Felon before his Examination.*

A. B. &c. TO the Keeper of his Majeſty's Gaol at the Caſtle of *Exon*, or to his Deputy there, Greeting. Theſe are in his Majeſty's Name to charge and command you, that you receive into your ſaid Gaol the Body of *A. B.* late of, &c. taken by *C. D.* and *E. F.* Conſtables of the Town of, &c. by them brought before me for ſuſpicion of Felony, &c. and that you ſafely keep the ſaid *A. B.* in your ſaid Gaol until the next general Gaol Delivery for the ſaid County (if he be not bailable, or if he be bailable, then thus) until he ſhall be thence delivered by due order of his Majeſty's Laws; and hereof fail you not, &c.

A Mittimus *of a Felon after his Examination.*

A. B. Baronet, one of the Juſtices, &c. to the Keeper of his Majeſty's Gaol at, &c. in the ſaid County, &c. Greeting. I ſend you herewithal the Body of *A. B.* late of *C.* Labourer, brought before me this preſent day, and charged with the felonious taking of twenty Sheep (which alſo he hath confeſſed upon his Examination before me) and therefore theſe are (on the behalf of our ſaid Sovereign Lord) to command you, that immediately you receive the ſaid *A. B.* and him ſafely keep in your ſaid Gaol until that he ſhall be thence delivered by the due order of his Majeſty's Laws. Hereof fail you not, as you will anſwer for your contempt at your peril. Given at *D.* the third day of *March*, in the firſt year of the Reign of our ſaid Sovereign Lord King *William*, &c.

A Warrant for ſearch and an Huy and Cry.

WHereas Complaint hath been made unto me *A. B.* Eſquire, one of his Majeſty's Juſtices of the Peace within the Conty of *Devon.* by *T. C.* of *T.* Husbandman, that upon Monday at Night laſt (being the tenth day of this Inſtant *April*) he was robbed of certain Linnen taken out of his Houſe, with ſome other things, and that he hath manifeſt cauſe of Suſpicion of one *C. D.* a lewd Rogue [here deſcribe his Perſonage and Apparel.] Theſe are to require you, and every of you, to make ſearch within your ſeveral Precincts for the ſaid *C. D.* and alſo to make Hue and Cry after him from Town to Town, and from County to County, and that as well by Horſemen as Footmen. And if you ſhall find him the ſaid *C. D.* that then you carry him before ſome one Juſtice of the Peace within the County where he ſhall be taken, by him to be dealt with according to Law, &c.

A Warrant to cauſe perſons to be bound to give Evidence againſt a Felon.

THESE are in his Majeſty's Name to charge and command you, &c. that preſently, upon the ſight hereof, you, or ſome of you do cauſe to come before me (or ſome other of his Majeſty's Juſtices of the Peace of this County) the Perſons here under named, to the end that they and every of them may be bound to make their perſonal Appearance at the next general Gaol-delivery, (or Quarter-Seſſions) to be holden for this County, then and there to teſtifie their and every of their knowledges concerning certain felonious Acts, committed by one *A. B.* now a Priſoner in the Caſtle of *C.* And hereof fail you not, &c.

Or thus.

To the Conſtable, &c.

D. ff. YOU are hereby required forthwith to warn the perſons undernamed of your Pariſh to be before me at my Dwelling-Houſe in *P.* &c. upon Monday next by two of the Clock in the Afternoon, to teſtifie their

their knowledge concerning certain felonious Acts ſuſpected to be done by *J. S. R. T. J. N.* of, &c. And that you your ſelf be then there with this Warrant to ſhew how you have executed it. Hereof fail not, &c. Given, &c.

A. B. C. D. E. F.
G. H. I. K. L. M. &c.

The Examination of a Felon.

D. ſſ. THE Examination of *A. B.* taken before *C. D.* Eſquire, one of his Majeſty's Juſtices of the Peace for the ſaid County of *D.* the tenth day of *May*, *Anno Domini*, 1695.

The ſaid *A. B.* being charged by *E. F.* of the Pariſh of *G.* Yeoman, that he the ſaid *A. B.* lately came into the Dwelling-Houſe of the ſaid *E. F.* ſituate in the ſaid Pariſh of *G.* and did then and there feloniouſly take and ſteal out of the ſaid Houſe two pair of Linnen Sheets, &c. of the Goods and Chattles of the ſaid *E. F.* to the value of 5 *l.* he the ſaid *A. B.* upon his Examination before me the ſaid 10th day of *May* doth confeſs, that he ſtole the ſaid Sheets, &c. from out of the Houſe of the ſaid *E. F.* and ſold them to one *J. L.* in the City of *R.* Victualler for 2 *l.* 10 *s.* And farther ſaith not.

C. D.

A Warrant for a Witneſs to appear and give Evidence at the Seſſions.

To the Conſtables, &c.

Devon. ſſ. FOraſmuch as *R. G.* of, &c. Yeoman is thought to be a fit and neceſſary Witneſs to be examined on his Majeſty's behalf. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do forthwith warn him the ſaid *R. G.* perſonally to appear before the Juſtices of the Peace at the next Seſſions of the Peace to be holden for this County at *E.* then and there to teſtifie his knowledge on the behalf of his ſaid Majeſty to and upon ſuch Matters as he ſhall be then and there examined of. Hereof fail not, &c.

A War-

A Warrant for Witnesses touching Felony.

To the Constable, &c.

D. ff. WHereas I have received Information, That *J. D.* was lately robbed at *E.* in the County aforesaid. And whereas I am informed, That *R. R.* can give Information on his Majesty's behalf touching proving the Robbery aforesaid. These are therefore in his Majesty's Name to command you, that you, some, or one of you do cause the said *R. R.* forthwith to come before me to give such Information and Evidence as he knoweth touching the said Robbery, to the end I may farther proceed touching the same as to Justice doth appertain. Hereof fail not, &c. Given, &c.

A *Liberate* to deliver a Prisoner committed for Felony.

W. P. *and* E. P. *Esquires, two of the Justices*, &c. *to the Keeper of his Majesty's Gaol*, &c. *Greeting.*

FOrasmuch as *A. B.* Labourer, hath before us found sufficient Mainprise to appear before the Justices of Gaol delivery, at the next general Gaol-delivery, to be holden in the said County, there to answer to such things as shall be then on the behalf of our Sovereign Lord the King objected against him, and namely to the felonious taking of two Sheep, (for the Suspition whereof he was taken and committed to your said Gaol) we command you, on the behalf of our Sovereign Lord the King, that if the said *A. B.* do remain in your said Gaol for the said Cause, and none other, then you forbear to grieve or to detain him any longer, but that you deliver him thence, and suffer him to go at large, and upon the pain will fall therein. Given, &c.

A War-

A Warrant for one who hath dangerouſly hurt another.

FOraſmuch as I am credibly informed, that *A. B.* of your Town, Clothier, hath now lately and dangerouſly hurt one *C. D.* of your ſaid Town Yeoman, by a Blow which he hath given the ſaid *C. D.* on the Head, and another on the Back, ſo as the ſaid *C. D.* is in danger of death thereby. Theſe are therefore in his Majeſty's Name, ſtreightly to charge and command you, that immediately upon the ſight hereof, you, or any of you, do bring the ſaid *A. B.* before me, or ſome other of his Majeſty's Juſtices of the Peace of this County, to find ſufficient Sureties, as well for his appearance before his Majeſty's Juſtices, at the next General Gaol-delivery to be holden for this County, then and there to anſwer unto the Premiſſes, and to do and receive therefore that, which by the Court ſhall be enjoyned him, as alſo that the ſaid *A. B.* ſhall in the mean time keep the Kings Majeſty's Peace, to his ſaid Majeſty and all his Liege People, and eſpecially towards *C. D.* And hereof fail you not at your Perils. Dated, &c.

A General Warrant for Miſdemeanours.

William Bragg *Eſquire, one of the Juſtices,* &c. *To the Conſtable of,* &c. *and to every of them.*

THeſe are to will and require you, and in his Majeſty's Name ſtrictly to charge and command you, that immediately upon ſight hereof (or upon Monday next by eight of the Clock in the Forenoon) you bring *A. B.* of your ſaid Town Butcher, before me, to anſwer to ſuch Matters of Miſdemeanour as on his Majeſty's behalf ſhall be objected againſt him. And hereof fail you not at your Perils. Dated, &c.

A Con-

A Conditon to give Evidence againſt a Felon.

This may be made by a Recognizance, where the Condition is ſet forth in the Latin, or by a general Latin Recognizance *cum Conditione indorſat.* or *ſequen.* viz.

UPON Condition that if you *J. S.* ſhall perſonally appear before his Majeſty's Juſtices of the Peace at the General Seſſions of the Peace and Gaol-delivery, to be holden at *E.* for the County aforeſaid, and do then and there purſue and give ſuch Evidence as you know againſt *A. B.* now Priſoner in the Gaol of the Liberty aforeſaid, for and concerning his felonious ſtealing of a Silver Tankard of the Goods of *C. D.* and not depart thence without Licence of the Court, then your Recognizance to be void, or elſe to ſtand in force. *Vid. poſtea Tit.* Recognizance.

To appear upon Suſpicion of Felony.

UPON the Condition, that if the ſaid *J. S.* ſhall perſonally appear before, &c. and do then and there make Anſwer unto all ſuch Matters which on the part and behalf of his ſaid Majeſty, ſhall be objected againſt him for and concerning the Suſpition of his felonious ſtealing of the Goods of one *A. B.* And do not depart, &c. Then, &c.

To appear upon Felony.

THE Condition of this Recognizance is ſuch, That whereas at the laſt General Gaol delivery holden for the within named County of *D.* It was Ordered, That the within bound *J. S.* ſhall give very good Security in ſuch Sums, as is within mentioned, before the Juſtice within named for his perſonal appearance at the then next General Gaol-delivery to be holden for the County aforeſaid, to anſwer a Felony, &c. whereof he ſtands indicted in the ſaid County, as by the Record of the ſaid Court, Reference being thereunto had, may more fully appear, which Security he hath given, as in the ſaid Recognizance is mentioned. If therefore the ſaid *J. S.* do perſonally appear at the aforeſaid next General Gaol-delivery to be holden for

for the ſaid County to anſwer the Felony and Robbery aforſaid. That then, &c.

A Counter-bond may be given to ſuch as are bound for the appearance of a perſon ſuſpected for Felony, &c. with a Condition reciting the Subſtance of the Recognizance and the Condition, *viz.*

The Condition of this Obligation is ſuch, That whereas the above named *A. B.* and *C. D.* at the ſpecial inſtance and requeſt of the above bound *E. F.* and *G. H.* in and by one Recognizance, bearing Date, &c. do each of them ſtand bound to his ſaid Majeſty in, &c. of lawful Mony of *England* with Condition, That, &c. as by the ſame Recognizance, and the Condition thereof may more certainly and at large appear. That if therefore the ſaid *E. F.* do in all things perform the ſaid Condition of the ſaid Recognizance, then this Obligation ſhall be void, or elſe ſhall ſtand in full force and virtue. *Vid. poſtea Tit.* Recognizances.

Note, If a Man be arreſted for Felony, his Goods ſhall not be ſeized until Attainder or Conviction upon pain to forfeit the double value to the Party grieved; for the Party grieved may ſell them *bona fide* for his Maintenance in Priſon before Conviction, 1 *R.* 3. *cap.* 3. *Stamf.* 162. *Br. fo.* 58. 8 *Co.* 171.

After Conviction the Town preſently ſtands charged for the Felons Goods (if then in his poſſeſſion) and ſhall anſwer the impairing of them, except they ſhew who detained them, and that they could not have poſſeſſion of them, *Fitz. Cor.* 3. 66. *Stamf.* 193, 194. 31 *Ed.* 3. 35.

Fire.

A Teſtimonial of the Juſtices for poor Men that have loſt by Fire.

Devon. ff. TO all Chriſtian People to whom this preſent Writing or Teſtimonial ſhall come to be ſeen, heard or read *J. B. R. S.* and *T. D.* three of the Juſtices of the Peace within the ſaid County of *D.* ſend greeting. Know ye, that at the earneſt and lamenta-

ble

ble Suit and Petition of our loving Neighbours, the Bearers and Bringers hereof, *A. B. C. D. E. F.* &c. we have thought it as well our Duty as Charity to publish and declare unto your common knowledge, that on the first of *January* last past between the hours of eleven and twelve at Night by Casualty and great Mischance by Fire, not only the several Dwelling-Houses and other Edifices and Buildings thereto adjacent, of the aforesaid Petitioners, to the number of, &c. but also all their Corn and Hay, and most of their Houshold-stuff and Goods were consumed, wasted and burnt, to the great danger of the Lives and Bodies of them and their Families, and to their exceeding great Loss and Impoverishment. And forasmuch as it is a godly and charitable Deed to succour, help and relieve such poor, needy and miserable Persons, as they are who have suffered this great Loss, being also of honest Name, Fame and Conversation. And for that the Bearers hereof in behalf of themselves and their Neighbours are enforced by reason of their Losses to seek for help and succor for their Relief. And we knowing their Estate to be so pitiful, sad and miserable as is afore represented, and being moved with Commiseration of their sad deplorable Condition, have therefore as much as in us lieth, given Licence unto them, and every of them, to make their repair from Parish Church to Parish Church, and to every Parish Church and Chappels, Town and Place within the County of *D.* to ask, receive and take the Charitable Devotion and Benevolence of all good and well disposed People towards the recovery of their said great Losses. And our Request farther is, That you, and every of you, to whom they shall repair do extend your lawful favour unto them, permitting them without your Denial to execute the Tenor of this our Licence, desiring all Ecclesiastical persons to whom these distressed persons shall make their Address in this behalf, to declare the Tenor hereof to their Parishioners in every of their Parish Churches and Chapels on the Sabbath-Days, or other Festival-Days, exhorting them to extend their Charity in this behalf, and those whom it concerns, to aid and assist them in the Collection thereof. In Witness, &c.

French

French Commodities.

French Goods prohibited.

SEE the first Part of this Treatise *Tit.* Forfeiture of *French* and Foreign Commodities.

1 *Gul. & Mar. cap.* 34. Enacts, That if after the 24th of *August*, 1689. during three years any Wines, Brandy, Vinegar, Linnen, Silks, Salt, Paper or other Commodities whatsoever (mixt or unmixt) of the Growth of *France* be brought into these Dominions the Importation, Selling, Retailing the same, &c. is adjudged a Common Nusance.

And all the said Commodities shall be seized and forfeited to his Majesty, and after Condemnation publickly staved, burnt or destroyed, &c.

And such Persons as presume to take up or save any of the said Commodities so to be destroyed shall forfeit 40 *l.* over and above the value of the Goods.

The persons importing shall forfeit the full value thereof; the Keepers or Sellers the like for the first Offence; for the second, double; for the third, disabled to execute any publick Employment.

And any Person may seize such Goods in whose Custody soever, to the intent they may be destroyed.

All Sheriffs, &c. are enjoyned to be aiding.

If any Person not being a known Merchant, Vintner or Shop-keeper shall sell or expose to sale any such prohibited Goods, after Conviction in his Majesty's Courts of Record shall suffer twelve Months Imprisonment without Bail, above the Penalties aforesaid.

The Ship, Vessel and Furniture shall be forfeited.

The Master or other person having care of the Ship, &c. in the Voiage, or out of which any such prohibited Goods shall be unship'd either at Sea or in Harbour, &c. into any Hoy or Boat shall forfeit 500 *l.* And the Justices may by Warrant apprehend him, and upon the Fact proved by two Witnesses on Oath may commit him to the next Gaol for twelve Months without Bail or Mainprise.

And the Seamen, Mariners or any other person assisting at the Shipping or conveying off any the said Commodities, either by Land or by Water, shall upon such proof be subject to like Imprisonment, or be publickly whipt at the discretion of the Justice of the Peace before whom he shall be convicted.

And

And the Carts and other Carriages, and the Cattle moving the same shall be forfeited, one half to the Poor, the other to the Seizor. See the Statute of 2 *W. & M.* for the more effectual putting the former Act in Execution. See the Statute of 4 *&* 5 *W. & M.* for the continuing the Prohibiting all Trade and Commerce with *France* for three years, if the War shall so long last.

By the Act of Tonnage 5 *&* 6 *W. & M.* Lutestrings and Alamodes to be markt and sealed by the Commissioners of the Customs. And all such imported after the 15th of *May*, 1694. and not so sealed and marked shall be forfeited, and the Importers or Possessors thereof subject to such and like Penalties and Forfeitures as Importers of *French* Goods by an Act of 1 *W. & M.* prohibiting all Commerce with *France*.

A Warrant to apprehend one for having imported, *&c. French* Goods prohibited.

To the Constable, &c.

Devon. ss. FOrasmuch as I am given to understand, That *A. B.* of *C.* in the County aforesaid, Master, [or Mariner, Boatswain, &c. as the Case is,] having on or before the 16th day of this present Month of *June*, imported, landed or put on Shoar at *E.* in the County aforesaid, Wine, Brandy, Silks, Linnen, &c. [or other Commodities, as the Case is,] of the Growth, Product or Manufacture of *France*, contrary to the form of several Statutes in that Case made and provided, Entituled, &c. These are therefore in his Majesty's Name to command you, that you, some or one of you do apprehend the said *A. B.* and bring him before me or some other of his Majesty's Justices of the Peace to be examined touching the Premisses, and to be dealt with according to Law. Hereof fail not at your Peril. Given &c.

Hereupon a Warrant may be issued out for examining of Witnesses, as in other Cases, *Mutatis mutandis*.

By what has been said on this Head, Warrants may easily be drawn according to the Manner and Matter of the Fact.

Huy and Cry.

ALL Perſons above fourteen years of Age ſhall follow the Huy and Cry, and whoſoever does not, and be thereof convicted, ſhall be attached to anſwer before the Juſtices of Gaol delivery, and for ſuch Offence ſhall be fined and impriſoned. *Bracton lib.* 3. *fol.* 118. 3 *Ed.* 3. *Office of Coron.* 233. 4 *Ed.* 1. *Mirror of Juſtices cap.* 1.

The Examination of a Perſon robbed on the High-way by two Perſons, one of which he knew.

Devon ſſ. THE Examination of *A. B.* of *C.* &c. ſworn and examined before *T. P.* Baronet, one of his Majeſty's Juſtices, &c. on the 10th day of *June*, *Anno Domini*, 1695. depoſeth and ſaith.

3 *Ed.* 1. *cap.* 1, 2, and 6. That about three days ſince he was riding from *C.* aforeſaid towards *G.* in the ſaid County of *D.* and in the High-way within the Pariſh of *H.* in the ſaid County of *D.* he was ſet upon by two perſons, and was by them robbed, and that they took from him 5 *l.* in Mony, &c. And he ſaith and depoſeth, that he doth know one of the ſaid perſons, whoſe Name is *S. T.* a *Corniſh* Man born in, &c. and of the Age, as he ſuppoſeth, of one and twenty years or thereabouts, and the other, he ſaith, he knoweth not.

The Examination of a Perſon robbed, praying an Huy and Cry.

Devon. ſſ. THE Examination of *A. B.* of *C.* in the County of *D.* taken by *T. P.* Baronet, one of the Juſtices of the County of *D.* on the firſt day of *Auguſt*, *Anno Dom.* 1695. upon Oath.

13 *Ed.* 1. *cap.* 1, 2. and 6. 28 *Ed.* 3. *cap.* 11. This Examinant depoſeth and ſaith, That as he was riding on Monday laſt the firſt day of *May* laſt paſt from the Town of *C.* in the County of *D.* to *E.* in the ſame County, he was aſſaulted in the Common High-way leading from one of the ſaid Towns to the other, at or near a place there called *F.* about two of the Clock in the Afternoon of

of the ſame day by two Horſe-men, who there ſeized upon this Examinant, and carrying him out of the Road in a certain by place adjoyning, robbed him and bound him. And this Examinant farther ſaith, That he is ſince informed that the ſaid High-way and by-place are both in the Pariſh of *C.* aforeſaid, and within the Hundred of *G.* in the ſaid County; and he alſo farther depoſeth, that the ſaid Thieves did felonioufly take from him and rob him of 20 *l.* in Mony, one Gold Ring, &c. in all to the value of 50 *l.* And this Examinant farther ſaith and depoſeth, that he then did not, nor yet doth know the Parties that committed the ſaid Robbery, or either of them.

27 *Eliz. cap.* 13. *Hob.* 140.

A Warrant for an Huy and Cry after a Felon.

T. P. *Baronet one of his Majeſty's Juſtices of the Peace for the ſaid County, to all Conſtables, Burſholders and other Officers, as well within the ſaid County, as elſewhere within the Kingdom of* England *to whom the Execution hereof doth or may belong.*

Devon. ſſ. WHereas I have received Information and Charge againſt *S. T.* a perſon of evil Fame, being about one and twenty years of Age, of a middle Stature, &c. [deſcribing the Perſon, his Age and Apparel] who is charged before me to have aſſaulted and taken from the Perſon of *A. B.* on the ſeventh day of *June* laſt at, &c. 5 *l.* in Monies numbered, &c. And the ſaid *S. T.* is very much ſuſpected to have committed ſeveral other Felonies, and notwithſtanding ſeveral endeavours for taking of him, he hath not as yet been apprehended, but hath withdrawn himſelf and is fled. Theſe are therefore in his Majeſty's Name to command you, and every of you, to make diligent ſearch within your ſeveral Precincts for the ſaid *S. T.* and to make Huy and Cry after him from Town to Town, and from County to County; and that as well by Horſe-men as Foot-men (according to Law) And if you ſhall find him the ſaid *S. T.* that then you do carry him before ſome one of his Majeſty's Juſtices of the Peace within the County or place where he ſhall be taken, to be dealt withal according to Law. Hereof fail not at your perils, Given, &c.

1 *Juſtice.* 28 *Ed.* 3. *cap.* 11.

An Huy and Cry upon the Eſcape of a Priſoner from the Conſtable.

1 *Juſtice.* 3 *Ed.* 1. *Devon. ſſ.* WHereas *A. B.* Conſtable of the Hundred of *D.* within the ſaid County having this day, together with a Precept, delivered unto him the Body of *E. F.* &c. (before charged with the Suſpition of his felonious taking of one bay Mare) to be by him the ſaid Conſtable and other Officers conveyed to the Gaol for the ſaid County at, &c. in the County aforeſaid, hath this day, as the ſaid Conſtable hath upon Complaint informed me, made a felonious Eſcape from him. Theſe are therefore in his Majeſty's Name, &c. [as before.]

An Oath to be taken by a Perſon robbed to ground an Action againſt an Hundred.

Auguſt 1*ſt.* 1693.

27 *Eliz. cap.* 13. *Hob.* 140. *Devon. ſſ.* THE Day and Year above written *A. B.* of C. in the County of *D.* Gent. came before *T. P.* Baronet, one of his Majeſty's Juſtices of the Peace in the ſaid County of *D.* and made Oath, that on *Monday* the one and thirtieth day of *July* laſt, about three of the Clock in the Afternoon the ſaid *A. B.* coming from the Market Town of C. where he dined that day at the Sign of, &c. was about two Miles off from the ſaid Town met in the High-way at the end of a Lane there called, &c. by two Horſemen, one of them being a perſon about 30 years of Age, &c. [deſcribing them by their Perſons, Habits and Horſes] which ſaid two Horſemen ſet upon the Deponant and robbed him, taking from him by force, the Sum of 10 *l.* &c. And the ſaid *A. B.* being examined whether he knoweth the ſaid perſons, or any of them, which robbed him, he ſaith and depoſeth, that he doth not know them, or any of them.

A. B.

Jurat. die & anno ſupradictis coram me
T. B.

Notice

Notice is to be given where the Robbery was committed, or at a Village near unto adjoyning with all convenient ſpeed. And the Suit to be commenced in a year.

Note, When an Huy and Cry is levyed upon a Robbery or other Felony, the Officer of the Town where the Felony was done, muſt ſend to every other Village that is about him, and not to go to the next Village only, for if the Huy and Cry ſhould not be quite round the Thief would ſeldom be taken, See *Dalton* 114.

A Warrant to aſſeſs and levy Mony charged upon an Hundred for a Robbery.

To the High-Conſtable of E. &c. *and to all Petty-Conſtables*, &c.

Devon. ſſ. FOraſmuch as one *A. B.* was of late robbed of 100 *l.* in the ſaid Hundred of *E.* and hath a Judgment to recover 100 *l.* againſt the ſame, the which hath been levyed of, and charged upon *J. D.* and *R. R.* two of the Inhabitants of *F.* within the ſaid Hundred of *E.* And upon their Complaint to us thereof we have according to the Act of Parliament in that Caſe provided for the raiſing of the ſaid Mony, ſet a Rate upon the Pariſhes and places within the ſaid Hundred of *E.* which Rate is hereunto ſubſcribed and annexed. Theſe are therefore in his Majeſty's Name to require you the ſaid High-Conſtable to give Notice thereof to the Petty Conſtables and Burſholders of your Hundred. And thereupon all the ſaid Petty Conſtables and Burſholders are required forwith equally to diſtribute and ſet the ſame Rates upon the Inhabitants of their Pariſhes reſpectively according to their Method of rating the Poor; and the ſame being rated, that they do demand it, and in caſe of Non-payment, levy it by Diſtreſs and Sale of Goods upon every of the Inhabitants not paying reſpectively; and having levied and received the ſame, that they do forthwith bring and pay it unto us or one of us, to the end that the ſame may be paid to the ſaid *J. D.* and *R. R.* and that you do within ten days next after the Date hereof give to one of us an Account of the Execution of this Warrant. Hereof fail not at your perils. Given under our Hands and Seals, &c.

2 *Juſtices*, 1 *Quorum*. 27 *Eliz. cap.* 13.

The Form of the Rate above mentioned.

A Rate made by *A. B.* and *C. D.* Eſquires, two of his Majeſty's Juſtices of the Peace, &c. for the raiſing of 100 *l.* upon the Hundred of *E.* charged upon it, and levyed upon *J. D.* and *R. R.* two of the Inhabitants upon a Judgment had by one *A. B.* againſt the ſaid Hundred after a Robbery.

	l.	*s.*	*d.*
The Pariſh of *A.*	20	00	00
The Pariſh of *C.*	40	00	00
The Pariſh of *D.*	40	00	00

All in the ſame Hundred of *E.*

Note, After the two Juſtices have rateably aſſeſſed every Town and Pariſh for Damages on default of Huy and Cry, then may the Conſtable or Headborough ratably tax every Dweller and Inhabitant, 27 *Eliz. cap.* 13. *Lamb.* 36,37

Indictments.

For ſtopping the High-way.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum a tempore cujus contrarii memoria hominum non exiſtit uſitat. fuiſſet quod ligei Dom. Regis haburunt & legitime uſi fuerunt una via Regia communi apud A. *in Com.* B. *in quodam loco ibidem vocat.* A. *ducend. a villa de* B. *in Com. præd. uſque ad villam de* C. *in Com. præd. pro ſeipſis catallis & Carriagiis ſuis abſque ulla obſtructione impedimento aut retardatione per aliquas foſſat' ſepes aut alia obſtacula quæcunque quidam tamen* D. E. *nuper de* B. *in Com. præd.* H. *ſecundo die Martii Anno Regni, &c. quandam foſſat. & ſepem vivam Anglice* a Ditch and quick ſet Hedge *apud* A. *in Com. præd. in præd. loco ibidem vocat.* A. *ſuper viam Regiam communem præd. ad magnam obſtructionem impedimentum & retardationem ligeorum dict. Dom. Regis circa negotia ſua neceſſaria per præd. viam Regiam communem cum Catallis & Carriagiis ſuis tranſeun. effodit & erexit & foſſat. & ſepem prædict. ſicut præfertur effoſſat. & erect. adhuc cuſtod. in*

in malum & pernitioſum exemplum aliorum in hujuſmodi caſu delinquen. contra pacem dict. Dom. Regis Coronam & dignitatem ſuas.

Againſt a Rogue for begging after he is burnt in the Shoulder.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum quidam A. B. *nuper de* C. *in Com.* D. Labourer, *ad general. Gaol. deliberationem Dom. Regis Com. ſui tent. apud* D. *in Com. prædict. primo die* Martii *Anno Regni &c. coram* E. F. *Milite uno Juſticiar. Dom. Regis de Banco Juſtic. ejuſdem Dom. Regis ad Pacem in Com. prædict. conſervand. ac ad diverſa Felonias Tranſgreſſiones ac alia Malefacta in eodem Com. perpetrat. audiend. & terminand. aſſign. adtunc exiſten. atatis ſeptem Annorum & ultra pro omnivago* (*Anglice* Rogue) *incorrigibili & periculoſo mendican. vagan. & ſeipſum male gubernan. qui noluit reformari de Vagro & Vagabundo more ſuo vitæ legitime convictus erat & adtunc & ibidem cum quodam ardenti ferro* (*Anglice* a hot Iron burning) *haben. magnam Romanam Literam* R. *nuper per ferrum illud impreſſum ſuper ſiniſtrum humerum* (*Anglice* the Left Shoulder) *ipſius* A. B. *uſtus fuit* (*Anglice* was branded) *& ſuperinde miſſus fuit per dictos Juſtic. ad* L. *in Com. præd. exiſten. locum habitationis ſeu ad laborandum ibidem ſicut verus ſubditus dict. Dom. Regis facere tenetur ſecundum formam cujuſdam Statut. inde edit. & proviſ. prædictus tamen* A. B. *leges & Statut. hujus Regni* Angliæ *parvi pendens nec pœnam in eiſdem content. aliqualiter verens poſtea ſcilicet ſecundo die Martii Anno ſupradicto apud* G. *prædict. in Com. præd. ac in diverſis aliis locis in Com. præd. diverſis aliis diebus & vicibus tam antea quam poſtea ut omnivagus incorrigibilis & periculoſus qui non vult reformari de Vagro & Vagabundo more vitæ Felonice mendicat. fuit vagavit & peregrinavit & ſe male geſſit contra pacem dicti Domini Regis nunc Coronam & Dignitatem ſuas & contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

For ſeiſing a Felons Goods before Conviction.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum quidam A. B. *nuper de* B. *in Com.* D. Labourer *capt. & arreſtat. fuit pro ſuſpitione Feloniæ* (viz.) *pro eo quod idem* A. B. *felonice cepit & effugavit ſex oves de bonis & ca-*

tallis cujuſdam E. F. *& præd.* A. B. *ad tunc & ibidem duct. fuit coram* G. H. *de* H. *præd. Gen. &* I. K. *de* L. *præd. ad tunc Ballivis Villæ de* H. *præd. ſuper quo præd.* G. H. *&* M. N. *ad tunc & ibidem ſuſceperunt tres libras legalis monetæ Angliæ de bonis & catallis præd.* A. B. *ſic arreſtat. exiſten. pro Felonia præd. antequam præd.* A. B. *convict. fuit de Felonia præd. contra formam Statuti in hujuſmodi caſu edit. & proviſ. & contra pacem dicti Domini Regis Coronam & Dignitatem ſuas.*

Againſt a Conſtable for not proſecuting an Hue and Cry after Felons for Robbery.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum Malefactores & Felones ignoti ſeptimo die Maii *Anno, &c. vi & armis, &c in tempore diei ſcil. circa horam quartam poſt meridiem ejuſdem diei apud* A. *in Com.* B. *in quodam campo ibidem vocat.* B. Field *in alta via Regia ibidem in Com. præd. in & ſuper quendam* C. D. *adtunc & ibidem in pace Dei & dict. Dom. Regis nunc exiſten. felonice inſultum fecerunt & ipſum* A. B. *in magno timore & periculo vitæ ſuæ ad tunc & ibidem felonice poſuerunt & unam crumenam Anglice* one Purſe *ad valentiam duorum ſolidorum & ſex denariorum in pecuniis numeratis ad tunc & ibidem exiſten. contra voluntatem ejuſdem* C. D. *violenter & felonice adtunc & ibidem furat. fuerunt ceperunt & aſportaverunt contra pacem dicti Domini Regis nunc &c. poſt quas quidem Feloniam & Roberiam præd. Malefactor. & Felon. ignot. præd. fugam fecerunt & ſeipſos ad loca ignota retraxerunt Cumq; etiam præd.* C. D. *ſuperinde ſcilicet præd. ſeptimo die Maii Anno ſupradicto pro præd. Malefactor. & Felon. ignot. præd. hutefia' & clamor. immediate poſt eaſdem Feloniam & Roberiam per ipſos Malefactor. & Felon. ignot. præd. ſic ut præfertur fact. in Villa de* N. *in Com. præd. fecit & levat. fuit notitiam cuidam* C. D. *de* N. *præd. in Com. præd.* Yeoman, *adtunc exiſten. Conſtabular. dict. Dom. Regis de* N. *præd. de Felonia & Roberia præd. adtunc & ibidem dedit eo quod Malefactor' & Felones ignot. præd. attachiar. potuiſſet præd. tamen* E. F. *adtunc Conſtabular. dicti Domini Regis de* G. *præd. Malefactor' & Felon. ignot. præd. recenter proſequi Anglice* to purſue *& arreſtari neglexit & recuſavit ratione quarum quidem negligentiæ & defect. præd. Malefactores & Felones ignot. præd. & quilibet Malefactorum & Felon. ignot. præd. ſine apprehenſione ad largum ire quo voluerunt permiſſi fuerunt in dicti Domini Regis nunc & legum ſuarum contemptum manifeſtum & contra formam Statuti in hujuſmodi caſu edit. & proviſ. & contra pacem dicti Dom. Regis nunc Coronam & Dignitatem ſuas.*

For

For making Flood-Gates to ſtop a Water-Courſe.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de* C. *in Com. præd. Ar. tali die & Anno vi & armis &c. quoſdam Kydellos Anglice vocat.* Flood-gates, *in & ſuper quendam Rivulum vocat.* C. *apud* D. *in Com. præd. fundavit & erexit & communem aquæ curſum rivuli præd. a tempore cujus contrarii memoria hominum non exiſtit fluen. & libere curren. a* D. *in præd. Com.* D. *ex parte occidentali uſque quendam pontem vocat.* New-Bridge *in Com. præd.* D. *verſus orientem apud* D. *præd. in præd. Com.* D. *dict. tertio die* Martii *Anno &c. ſeptimo ſupradict. obſtupavit & obſtruxit per quas quidem obſtupationem & obſtruction. curſus aquæ atque rivuli præd. non ſolum communis via regia ducen. a* D. *in Com.* D. *præd. ex parte orientali præd. rivuli propinq; adjacen. inundat. fuit ſed etiam pars paſtur. juxta rivulum præd. exiſten. in* C. *præd. in Com.* D. *præd. eodem tertio die* Martii *Anno Regni dicti Domini Regis &c. ſupradict. uſque ultimum diem* Martii *anno ſupradicto penitus inundat. & ſubmerſa fuit & continuavit obſtupationem & obſtructionem prædictas a prædicto tertio die* Martii *anno decimo ſexto ſupradicto uſque ultimam diem* Martii *præd. per quod quamplur. legei dict. Domini Regis juxta rivulum præd. in* C. *de* D. *præd. in Com.* D. *præd. Inhabitan. & commoran. prata & paſtur. præd. poſſiden. & occupan. proficua & commoditates pratorum & paſtur. præd. per longum tempus totaliter amiſerunt & perdiderunt contra pacem dict. Dom. Regis Coronam & Dignitatem ſuas.*

For counterfeiting a Letter to get Mony.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod quidam A. B. *nuper de* C. *in Com.* D. *Gen. decimo ſexto die* Maii *anno Regni &c. apud* E. *in Com. præd. quaſdam falſas & controfectas Literas in nomine cujuſdam* F. G. *nuper de* H. *præd. in Com. præd. Millitis cuidam* I. K. *adtunc Ballivo præd.* L. M. *manerii ſui de* N. *præd. in præd. Com. directas falſo & deceptive affecit (Anglice* contrived*) fecit imaginat. fuit & deviſavit poſteaque ſcilicet eodem decimo ſexto die* Maii *anno ſupradicto idem* A. B. *prædict. falſas & controfect. Literas præfacto* I. K. *ſic adtunc Ballivo præd.* L. M.

præd.

præd. Manerii ſui de N. *præd. exiſten. falſo & deceptive apud* N. *præd. in Com. præd. dedit & deliberavit colore & ratione (Anglice* by colour and means) *quarum quidem falſarum & controfactarum literarum prædictarum ſic ut præfertur præfat.* I. K. *adtunc & ibidem deliberat. prædict.* A. B. *præd. decimo ſexto die* Maii *anno ſupradicto apud* D. *præd. in Com. præd. in manus & poſſeſſionem ſuam ad uſum ſuum proprium ſex libr. bonæ & legalis &c. de bonis & catallis & denar. præd. de præfat.* I. K. *ſic ut præfertur adtunc Ballivo præd.* F. G. *in manerio ſuo de* N. *præd. exiſten. falſo & deceptive obtinuit & acquirebat ad grave dampnum ipſius* F. G. *in malum & pernitioſum exemplum aliorum in hujuſmodi caſu delinquent. & contra pacem dicti Domini Regis nunc Coronam, & Dignitatem ſuas.*

For Extortion in a Bayliff of an Hundred by taking unjuſt Fees to excuſe a Freeholders appearance at the Aſſizes.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de* C. *in Com.* D. Yeoman *exiſten. Ballivus Hundredi de* N. *in Com. præd. tali die & anno colore & prætexu officii ſui prædicti injuſte extorſive & de injuria ſua propria apud* C. *in præd. Com. de quodam* E. F. *uno liberorum tenentium infra Com. præd. duodecim denarios pro feodo ſuo pro excuſatione attendenc. ſive comparenc. præd.* C *tempore Aſſizarum extunc prox. tenend. infra Com. præd. recipiebat & extorquebat ubi revera idem* C. *in nulla Jur. panella per Vic. Com. præd. retornat. fuit ubi etiam revera nulla talis pecuniæ ſumma pro feod. ſuo præd. pro excuſatione attendan. ſive comparen. (Anglice* for excuſing the Appearance) *præd.* C. *præfat.* A. *adtunc debit. fuit pernitioſum exemplum aliorum malefactorum ad grave dampnum ipſius* C. *ac contra formam diverſorum ordinationum in hujuſmodi caſu edit. & proviſ. & contra pacem dict. Dom. Regis Coronam & Dignitatem ſuas.*

Againſt a Conſtable for the Eſcape of a Priſoner committed for Felony.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum quidam A. B. *nuper de* C. *in Com.* D. Labourer, *pro quadam Felon. videlicet pro furatione duorum bovinum cujuſdam* E. F. *capt. & arreſtat. fuit & poſtea ſcil. ſecundo die* Februarii

Februarii *anno &c. apud* G. *præd. in Com. præd.* H. I. *Armig. Juſticiar. dict. Dom. Regis ad pacem in Com. præd. conſervand. commiſſus fuit in cuſtodiam* K. L. *adtunc Conſtabular. Villæ de* K. *præd. exiſten. cum quodam Warranto præd.* H. I. *ad Gaolam dict. Dom. Regis Com. præd. ſalvo Duten. quodq; præd.* K. L. *nuper de* M. *præd. in Com. præd.* Labourer *exiſtens Conſtabular. Villæ de* K. *prædict. & habens in cuſtodia ſua præfat.* A. B. *pro Felonia præd. ſecundo die* Februarii *anno &c. ſupradicto apud* N. *præd. in Com. præd. præfat.* A. B. *e cuſtodia ipſius* K. L. *voluntarie & felonice ad largum ire permiſit contra pacem dict. Dom. Regis Coronam & Dignitatem ſuas.*

For ſtealing of tame Dear.

JUratores *pro Domino Rege ſuper Sacramentum ſuum præſentant quod* A. B. *nuper de* C. *in Com.* D. Labourer *ſecundo die* Februarii *anno, &c. vi & armis, &c. apud* C. *præd. in Com. præd. unum Damam domeſticum* (*Anglice* one tame Buck) *precii viginti ſolid. de bonis & catallis cujuſdam* C. D. *adtunc pro Dama domeſtico ſignat.* (*Anglice* marked for a tame Buck) *& præd.* A. B. *adtunc & ibidem ſatis ſciens eundem Damam Anglice* Buck) *fore Damam domeſticum* (*Anglice* a tame Buck) *adtunc & ibidem felonice furat. fuit cæpit & effugavit contra pacem dict. Dom. Regis Coronam & Dignitatem ſuas.*

For reſcuing a Felon from a Conſtable.

JUratores *pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum quidam* A. B. *nuper de* C. *in Com.* D. *Miles vicеſimo die* Septembris *anno, &c. exiſtens unus Juſticiar. dict. Dom. Regis Com. ſui* Devon. *ad pacem in eodem Com.* D. *conſervand. necnon ad diverſas Felon. Tranſgr. & alia Maleficia in eodem Com. perpetrat. audiend. & terminand. aſſignat. prædicto vicеſimo die* Septembris *anno ſupradicto quoddam Warrantum ſive præceptum cuidam* E. F. *nuper de* G. *in Com. præd.* Yeoman, *adtunc Conſtabular. dict. Dom. Regis de* C. *ſupradict. in Com. præd. fecit direxit & deliberavit eidem* E. F. *Conſtabular. præd. per idem Warrantum ſuum præcipiens quod non omitteret propter aliquam libertatem Com. præd. quin eam ingrederetur & attachiaret corpus cujuſdam* H. I. *nuper de* K. *in Com. præd.* Labourer *& eundem* H. I. *coram eodem* A. B. *Juſticiar. præd. vel uno ſociorum Juſticiar. pacis in Com. præd. duceret & haberet ad præfat.* K. *examinand. pro felonica furatione captione & effugatione unius vaccæ de bonis & catallis cujuſdam*

L. M.

L. M. *qui quidem* E. F. *Conſtabular. præd. poſtea ſcil. viceſimo tertio die* Decembris *anno ſupradicto apud S. præd. in Com. præd. virtute Warranti præd. eidem* E. F. *Conſtabular. præd. ſic ut præfertur direct. & deliberat.* H. I. *cum Warranto præd. cepit attachiavit & arreſtavit & eundem* H. I. *ex cauſa præd. ad propoſit. & intentionem præd. in cuſtodia ſua adtunc & ibidem habuit & cuſtodivit quidam tamen* N. O. *nuper de* K. *præd. in Com. præd. Gen. adtunc & ibidem ſatis ſciens præd.* H. I. *per præfat.* E. F. *Conſtabular. præd. cum præd. Warran. præd. ſure arreſtat. & attachiat. vi & armis, &c. præd. viceſimo tertio die* Septembris *anno ſupradicto apud S. præd. in Com. præd. præfat.* H. I. *extra cuſtodiam præd.* E. F. *Conſtabular. præd. contra voluntatem ipſius* E. F. *Conſtabular. præd. adtunc & ibidem felonice cepit & reſcuſſit & eundem* H. I. *adtunc & ibidem evadere & ad largum ire quo voluit permiſit in magnum dict. Domini Regis nunc contemptum ac in malum & pernitioſum exemplum aliorum in hujuſmodi caſu deliquen. necnon contra pacem dict. Dom. Regis Coronam & dignitatem ſuas.*

For keeping a Bawdy Houſe.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *uxor* C. D. *nuper de Parochia Sancti Egidii in Campis in Com.* Midd. Yeoman, *alias dicta* E. F. *nuper de Parochia præd. in Com. præd.* Spinſter, *viceſimo quinto die* Julii *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis fidei Defenſoris, &c. ſeptimo & diverſis aliis diebus & vicibus tam antea quam poſtea apud Paroch. præd. in Com. præd. cuſtodivit & manutenuit & ad hoc cuſtodit & manutenet communem domum lupanar.* (*Anglice* a common Houſe of Bawdry) *in qua quidem domo diverſi malæ diſpoſitæ perſonæ & Meretrices Jur. præd. ignat. per procurationem & perſuaſionem ejuſdem* E. F. *Scortationem & fornicationem tam per noctem quam per diem adtunc & ibidem commiſerunt & committerre adtunc & ibidem conſueverunt in magnam inquietationem & perturbationem omnium ligeorum & ſubditorum dict. Domini Regis ibidem commoran. in malum exemplum omnium aliorum in hujuſmodi caſu delinquen. & contra pacem dict. Domini Regis nunc Coronam & Dignitatem ſuas.*

For

For keeping a Servant that goes not to Church.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de* C. *in Com.* D. *Vidua, primo die* Maii *anno &c. poſt editionem actus in Parliamento dict. Domini Regis apud* Weſtm. *anno Regni ſui Angliæ, &c. tertio edit. ſcil. præd. primo die* Maii *anno ſupradicto voluntarie & libenter retinuit & cuſtodivit (Anglice* did willingly retain and keep*) in domo ſua quendam* E. F. *ſervum ſuum (Anglice* her Servant*) continue per ſpacium duodecim menſium integrorum inſimul præd. primo die* Maii *anno ſupradicto uſque ad quartum diem* Maii *anno Regni dict. Domini noſtri* Jacobi *ſecundi Dei Gratia nunc Regis Angliæ, &c. decimo tertio & Scotiæ quadrageſimo octavo qui quidem* E. F. *non acceſſit (Anglice* did not repair*) alicui Eccleſiæ Capellæ aut uſuali loco communis precationis ad audiendum divinum Servitium ſed abſtinuit ab eiſdem (Anglice* did forbear the ſame*) per præd. ſpacium prædictorum duodecim menſium contra pacem dict. Domini Regis Coronam, &c. ſuas. Et contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

For an Aſſault in an Houſe.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de Parochia Sancti* Andreæ Holborn *in Com.* Midd. Bricklayer, *viceſimo tertio die* Maii *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defenſoris, &c. ſeptimo, vi & armis, &c. apud Parochiam præd. in Com. præd. domum manſionalem cujuſdam* C. D. *ibidem ſituat. adtunc & ibidem illicite & injurioſe fregit & intravit & ſuper quendam* E. F. *Uxor. præd.* C. D. *in pace Dei & dict. Domini Regis nunc in eadem domo manſionali adtunc & ibidem exiſten. inſultum fecit & ipſam* C. D. *adtunc & ibidem verberavit vulneravit & male tractavit. Ita quod de vita ejus maxime deſperabatur, & alia enormia eidem* C. D. *adtunc & ibidem intulit, ad gravo dampnum ipſius* C. D. *& contra pacem dict. Domini Regis nunc Coronam & Dignitatem ſuas.*

For

For maintaining of Inmates.

JUratores pro Domino Rege ſuper Sacramentum ſuum preſentant quod A. B. *nuper de Parochia Sancti* Sepulchri *in Com.* Midd. Bricklayer, *decimo quinto die* Maii *anno Regni Dom. noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defenſor. &c. primo exiſtens proprietor cujuſdam tenementi apud Parochiam præd. in Com. præd. dictum tenement' in quatuor ſeperal. tenementa pro inhabitatione adtunc & ibidem diviſit & convertit, & quod præd.* A. B. *ſeparales ſubtenentes cum Familiis ſuis in dictis tenementis per ipſum ſic ut præfertur diviſ. & converſ. cohabitare ibidem voluntarie locavit dictoſque ſeparales ſubtenen. cum Familiis prædicto decimo quinto die* Maii *anno ſupradicto uſque diem captionis hujus inquiſitionis in dicto tenemento per prædict.* A. B. *ſicut præfertur diviſ. & converſ. cohabitare & commorari permiſit in magnum periculum inficient. inhabitan. ibidem cum peſtilenc. & aliis morbis contagiis ac ad depauperationem Parochianorum Parochiæ præd. & ad Parochiam illam cum multitudine pauperum onerand. ad commune nocumentum omnium ligeorum & ſubditorum dicti Dom. Regis ibidem commoran. necnon contra pacem dicti Dom. Regis nunc Coronam & Dignitatem ſuas.*

For ſelling Ale without Licenſe.

JUratores pro Domino Rege ſuper Sacramentum ſuum preſentant quod A. B. *nuper de* Saffron-Hill, *in Com.* Midd. Yeoman *primo die* Maii *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defenſor. &c. primo & diverſis aliis diebus & vicibus tam antea quam poſtea apud* Saffron-Hill *in Com. præd. ex authoritate ſua propria & ſine ulla licentia admiſſione vel allocatione duorum Juſtic. dict. Dom. Regis ad pacem in Com. præd. conſervand. aſſign. aſſumpſit ſuper ſe cuſtodire & adtunc & ibidem cuſtodivit communem Domum Tipulator. (Anglice* a common Alehouſe) *& in eadem domo adtunc & ibidem communiter & publice vendidit utteravit & utterari cauſavit ſervitium & potum lupulat. (Anglice* Ale and Beer) *diverſis ligeis & ſubditis dict. Dom. Regis in contempt. dict. Dom. Regis nunc: leguinque ſuarum & contra pacem dict. Domini Regis nunc Coronam & Dignitatem ſuas, necnon contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

For

For Burglary in a Dwelling Houſe by Night, and againſt a Conſtable for not proſecuting an Huy and Cry.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod quædam perſona adtunc ignot. decimo nono die Maii *anno Regni Dom. noſtri* Gulielmi, *&c. vi & armis &c. Domum manſionalem cujuſdem* A. B. *apud* C. *in Com. prad. circa horam ſecundam poſt meridiem in nocte ejuſdem diei felonice & burglariter fregerunt & intraverunt & unam thecam birretam vocat.* a Cap-caſe, *& unam chlamydem vocat.* a Cloak *ad valenc. quadraginta ſolidorum & unum gladium ad valentiam ſexdecim ſolid. de bonis & catallis ipſius* D. *adtunc & ibidem inventa felonice & burglariter furat. fuerunt ceperunt & aſportaverunt contra pacem dicti Dom. Regis nunc Coronam & dignitatem ſuas prædictuſque* A. B. *immediate poſt Burglariam & Feloniam prad. in forma prad. fact. & perpetrat.* (viz.) *viceſimo die* Martii *anno, &c. ſupradicto circa horam nonam in nocte ejuſdem diei apud* C. *prad. levavit & levari procuravit huteſium & clamorem ad proſequend. Felones prad. ſecundum formam Statuti Dom.* Edw. *nuper Regis* Angliæ *primi apud* Weſtm. *anno Regni ſui viceſimo quinto in hujuſmodi caſu nuper edit. & proviſ. ratione cujus veſtigationis & proſecutionis feloniæ & burglariæ huteſiæ & clamoris prad. per notitiam & monitionem adtunc dat.* C. D. *adtunc Conſtabular. de* S. *in Com. prad.* Yeoman *&* E. F. *de eadem* Labourer *huteſium & clamorem feloniæ & burglariæ prædictorum ulterius non proſecut. fuit ſecundum formam Statuti prad. & debitam legis formam hujus Regni* Angliæ *per quod Felones illi impuniti evaſerunt & eſcapiaverunt contra formam Statut. prad. ac contra pacem dict. Dom. Regis nunc Coronam & Dignitatem ſuas.*

For being a common Inticer of Servants from their Service.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *de* C. *in Com. prad.* Yeoman *quarto die* Martii *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defenſoris, &c. apud* M. *prædict. in prad. Com.* C. *procuravit & cauſavit* D. E. *ſervient.* F. G. *in ſervitio ſuo ibidem, exiſten. abire ab eodem ſervitio cujus quidem procurationis prætextu idem* D. E. *a ſervitio*

vitio prad. F. G. *adtunc & ibidem receſſit & quod idem* A. B. *eſt communis procurator ſerventium diverſorum Ligeorum Domini Regis, ita quod ligei Domini Regis de hujuſmodi ſervient. ad negotia ſua perimplend. multiplicit. gravat. exiſtunt in Dom. Regis contemptum & quam plurimorum Ligeorum Domini Regis deteriorationem manifeſtam.*

For a Nuſance of a decayed Bridge in the High-way.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod Pons publicus & communis ſitus in alta Regia via ſuper fluvium de A. *infra Paroch. de* B. *in Com.* C. *eſt & per aliquot annos jam prox. elapſ. fuit valde ruinoſus & in maximo decaſu ob defectum reparationis adeo ut ſubditi dicti Domini Regis in ſuper trans vel ultra dictum Pontem per ſe, vel cum eorum equis bigis aut carragiis redire aut tranſire non audent aut poſſunt ad commune nocumentum omnium vicinorum & compatriotorum in dicto Com.* C. *habitant. quorum intereſt ratione negotiorum ſuorum ibi tranſire Et ulterius quod prorſus neſcitur quæ perſonæ quæve terræ tenementa aut corpora corporata & politica eundem pontem aut aliquam indem parcellam de jure aut conſueverunt.*

For pulling down a Bridge.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod cum a tempore quo memoria hominum in contrarium non exiſtit fuit quidam pons lapideus in B. *in Com.* C. *vocat.* A. *per & trans quem quidem pontem omnes Inhabitantes Villæ de* D. *prad. in Com. prad. per tempus prad. habere conſueverunt ingreſſum & regreſſum ad quendam locum vocat.* E. *pro negotiis eorundem faciend. quidam tamen* F. G. *de* B. *prad. in Com. prad. Gen. duodecimo die* Marcii *anno Regni Dom. noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defenſoris, &c. ſeptimo, vi & armis &c. præfat. Pontem effodit proſtravit & ſpoliavit & abcraviavit per quod Inhabitantes ibidem ingreſſum ad prad. locum pro prædictis negotiis ſuis faciend. habere non poſſunt & alia enormia per eum tunc & ibidem facta ſunt ad grave & commune nocumentum prædictorum vicinorum ibidem & contra pacem dicti Dom. Regis nunc Coronam & Dignitatem ſuas.*

For

For a Riot in a Park, and wounding the Keeper, &c.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *de* C. *in Com.* D. Labourer, E. F. *de* G. *in Com.* H. Yeoman, *&* I. K. *de* L. *in Com. præd.* Weaver, *aggregat', &c. rioteſe & routeſe & modo novæ inſurrectionis & in convent. illic. & modo guerrino arrariat. vi & armis &c. decimo ſeptimo apud* M. *in Com.* N. *præd. clauſum & parcum cujuſdam* O. P. *Armiger. ibidem ſeſe illicite rioteſe & routeſe aſſemblaver. congregaver. & vener. ad pacem dict. Dom. Regis diſturband. & adtunc & ibidem in quendam* Q. R. *Gen. cuſtod. parti præd & in* S. T. *ſervien. ipſius* Q. R. *& contra pacem dict. Domini Regis exiſten. inſult. fecer. & præd.* Q. R. *un' ſagitt. quodam arcu tent. quem idem* Q. R. *in manibus ſuis adtunc & ibidem habuit & tenuit ſagit. & eundem* Q. R. *cum ſagit. præd. in pectore ſuo percuſſ. dantes eidem* Q. R. *un' plagam profundit. dimid. pollicis & latitud. unius pollicis ita quod de vita ſua deſperabatur & alia enormia eis intuler' ad grave dampnum ipſorum* S. T. *&* Q. R. *& contra pacem dict. Dom. Regis nunc Coronam & dignitatem ſuas & contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

For entertaining Whores Vagabonds and idle ſuſpected perſons.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *de* C. *in Com.* D. *præd.* Huckſter *in domo ſua continue recept. hoſpitat. & ſupportat. vagabundos meretrices & alios diverſos homines otioſos ſuſpect. & malæ converſationis & continue cuſtod. malam regulam & gubernationem in domo ſua ad grave nocumentum & perturbationem omnium vicinorum ſuorum ac contra formam diverſorum Statutorum ac contram pacem dict. Dom. Regis nunc Coronam & Dignitatem ſuas.*

Againſt a Vagabond and his Reliever for lodging him.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *de* C. *in Com.* D. Yeoman, *ætatis viginti annorum aut amplius & corpore ſano valent. potent. atque ad laborand. habili exiſten. nullam autem habens terram nec ullum*

Magiſtr. nec aliqua utens licita Merchandiza Arte vel Miſterio unde ſibi aliquid parare poſſit; ac neſciens rationem reddere qua pacto victum ſuum legitimum acquirit triceſimo die Martii *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defenſor', &c. ſeptimo apud* F. *infra Hundredum de* E. *in Com.* D. *præd. & multis aliis in locis dict. Com.* D. *huc illuc paſſim vagatus eſt mendicans ac per* H. I. *de* F. *præd. in Com. præd.* Labeurer, *Conſtabularium dicti Hundredi de* E. *in quo ſita eſt villa de* D. *præd. poſtea viz. duodecimo die dicti menſis* Martii *anno ſupradicto apud* F. *præd. in Com. præd. invent. eſt vagrans & mendicans ac per eundem Conſtabularium tunc deprehenſus eſt inordinate ſe gerens tanquam Vagabundus & mendicans valens contra pacem dict. Domini Regis ac contra formam diverſorum Statutorum in diverſis Parliamentis dict. Dom. Regis tunc inde proviſorum & editorum & ulterius quod* G. H. *de* I. *præd. in Com. præd.* K. L. *ſciens præfat.* M. N. *modo & forma præd. vagrantem & mendicantem eundem tamen* M. N. *dict. duodecimo die* Martii *anno ſupradicto in domo ipſius* G. H. *manſionali apud* F. *præd. in Com. præd. hoſpitavit & ibidem* M. N. *tunc & ibidem panem & potum voluntarie dedit in conteptum dict. Domini Regis ac contra formam Statutorum prædictorum, &c.*

Againſt an Hundred for not keeping a Sea-Watch.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod ubi homines & inhabitantes Hundredi de N. *in Com.* A. *præd. antiquitus viz. ante annum Regni Domini noſtri* Henrici *nuper Regis* Angliæ *quarti cujuſdam Maritimas & minutas vigilias Anglice vocat.* Sea-watches, *tempore belli per coſterum Maris in quodam loco vocat.* B. *in dicto Com.* C. *per quatuor homines ſingulis noctibus a tempore cujus contrarii memoria hominum tunc non exiſtebat cuſtodire debebant & ſolebant dicti tamen Hundredi de* C. *homines & inhabitantes nunc tempore nuper belli viz. viceſimo quinto die* Auguſti *Anno Regni Domini noſtri* Gulielmi *tertii Dei gratia* Angliæ, *&c. ſeptimo uſque triceſimum diem ejuſdem Menſis, anno ſupradicto præd. vigilias apud* C. *præd. modo & forma præd. facere & cuſtodire voluntarie prætermiſerunt ac in eiſdem vigiliis tunc ibidem ſic ut præfertur faciendis, a cuſtod. voluntariam fecerunt defaltam in dicti Domini Regis contemptum ac hujus Regni* Angliæ *diſcrimen non modicum ac contra formam Statuti in Parliamento Domini* Henrici *nuper Regis* Angliæ *quarti tent. anno Regni ſui quinto in hujuſmodi caſu edit. & proviſ.* &c.

Againſt

Againſt one uſing a Plough and not helping to amend the High-ways.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod die Veneris ſcilicet viceſimo octavo die Auguſti *anno Regni Domini noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defenſor. &c. ſeptimo* A. B. *Conſtabularius Villæ de* G. *in dicto Com.* D. E. *&* F. G. *tunc Guardiani Eccleſiæ Parochialis de* H. *prædict. in Com. prædict. exiſtent. vocatis ad ſe multis aliis Parochianis dicta Parochia de* K. *tunc & ibidem eligerunt quoſdam* L. M. *&* N. O. *duas honeſtas ejuſdem Parochiæ perſonas inſuper viſores pro anno integro tunc prox. ſequend. pro emendatione & reparatione altarum Regiarum viarum infra dictam Parochiam de* K. *ducentium a Villis Mercatoriis ad Villas Mercatorias. Ac etiam tunc ibidem nominaverunt & appunctuav. ſex dies* (viz.) *primum, ſecundum, tertium, quartum, quintum & ſextum dies Menſis* Julii *tunc prox. ſequen. pro dicta emendatione illius viæ Regiæ ibidem quæ eſt inter, &c. atque de eiſdem ſex diebus ſic per eos ut præfertur nominat. & appunctuat. dederunt palam poſtea ſcilicet die Martis tunc prox. ſequente publicam notit. in dicta Eccleſia Parochiali de* D. *præd. in Com. præd. quidam tamen* A. B. *Parochianus Parochiæ prædict. in Com. præd.* I. *exiſtens ac tunc habens & occupans in dicta Parochia de* K. *in Com.* I. *præd. unam integram caruccatam terræ Anglice vocat.* a plough'd Land *ad nullum dictarum primi, ſecundi, tertii, quarti, quinti & ſexti dierum dicti Menſis* Julii *ſupradicto* ——— *invent. aut mihi currum inſtructum (Anglice* a Cart furniſhed) *equis bobus aut aliis animalibus & neceſſariis inſtrumentis ſecundum morem patriæ ibidem nec ullos habiles homines erga emendationem & reparationem dictarum viarum aut earum aliquam inde parcellam ſed inde tunc ibidem voluntarie fecit defalt. in dicti Domini Regis contemptum ac contra formam diverſorum Statutorum in hujuſmodi caſu edit. & proviſ.*

For uſing the Trade of an Higler, Kidder, Lader, Carrier, Buyer and Seller without Licence.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de Paroch. Sancti* Andreæ Holborn *in Com.* Midd. Yeoman, *tertio die* Auguſti *Anno Regni Dom. noſtri* Gulielmi *tertii Dei gratia* Angliæ, Scotiæ, Franciæ *&* Hiberniæ *Regis Fidei Defenſor. &c. ſeptimo, & diverſis aliis diebus & vicibus, tam antea quam poſtea apud Paroch. præd. in Com. præd. exercuit & occupavit facultatem emptoris & venditoris butiri caſei ovor. pullitarum & aliarum mort. victual.* (*Anglice vocat.* the Faculty of a Kidder, Lader, Carrier, Buyer and Seller of Butter, Cheeſe, Eggs, Poultry and other dead Victuals) *idem* G. R. *aliquam generalem Seſſionem pacis coram Juſtic. dicti Domini Regis ad pacem in Com. præd. conſervand. aſſign. in eodem Com. tent. ad facultatem illam non admiſſ. vel aſſign. in Contemptum dicti Domini Regis nunc legumque ſuarum in malum exemplum omnium aliorum in hujuſmodi delinquen. Et contra pacem dicti Dom. Regis nunc Coronam & Dignitatem ſuas, &c. necnon contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

Againſt an incorrigible Rogue.

JUratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod quidam A.B. *nuper de Paroch. Sanct.* Egidii *in campis in Com.* Midd. *præd.* Yeoman *ſecundo die* Maii *anno Regni Dom. noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defenſor. &c. ſeptimo, ætatis ſeptem annorum & ultra exiſtens omnivagus* (*Anglice* a Rogue) *incorrigibilis & periculoſus qui non vult reformari de Vago & Vagabundo more ſuo vitæ apud* C. *præd. in Com. præd. prædicto ſecundo die* Maii *anno ſupradicto & in diverſis aliis locis in Com. præd. & diverſis aliis diebus & vicibus, tam antea quam poſtea tanquam omnivagus* (*Anglice* a Rogue) *incorrigibilis & periculoſus mendicatus fuit vagavit pererravit & male ſe geſſit in magnum periculum generis inferioris* (*Anglice* the inferior ſort) *populi de* C. *præd. & terrorem non modicum aliorum dict. Dom. Regis ligeorum ſubditorum in præd. Com. in malum & pernicioſum exemplum aliorum in hujuſmodi caſu delinquen. & contra pacem dict. Dom. Regis Coronam & Dignitatem ſuas & contra formam Statuti in hujuſmodi caſu edit. & proviſ.*

For

For erecting a Shed in the Highway.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod A. B. *nuper de Parochia Sancti* Mary-le-Bow *in Com.* Midd. Yeoman, *octavo die* Julii *anno Regni Dom. noſtri* Gulielmi *tertii Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defenſor', &c. ſeptimo, vi & armis &c. apud Paroch. præd. in Com. præd. ſuper communem altam viam Regiam & ibidem fecit erexit & ædificavit & fieri erigi & ædificari cauſavit unum tectum (*Anglice one Shed*) de ligno & aliis materialibus fact. & eodem tecto adtunc & ibidem incluſit incrochiavit & obſtrupavit quandam partem communis altæ viæ Regiæ præd. continent. in longitudine decem pedes & in latitudine decem pedes. Et præd. partem communis altæ viæ Regiæ præd. ſic ut præfertur per ipſum* C. D. *incluſit incrochiat. & obſtrupat. idem* C. D. *octavo die* Julii *anno ſupradicto uſque diem Captionis hujus inquiſition. ſcil. decimum ſeptimum diem* Julii *ex tunc prox. ſequent. anno ſupradicto vi & armis, &c. apud Paroch. præd. in Com. præd. ſic inclaſ. incrochiat. & obſtrupat. continuavit & adtunc continuat. ad grave dampnum & commune nocumentum omnium legiorum ſubditorum dict. Dom. Regis tam ibidem inhabitantium quam per communem altam viam Regiam præd. tranſeuntium. æquitantium & laborantium. Et Contra, &c.*

Felony for ſtealing a Cloak.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod R. H. *nuper de Paroch. Sancti* Barthol. *in Com.* Midd. Stationer, *duodecimo die &c. anno Regni, &c. vi & armis, &c. apud Paroch. præd. in Com. præd. unum pallium panni lanei (*Anglice a Cloth Cloak*) ad valentiam quadragint. ſolidorum de bonis & catallis cujuſdam* A. T. *adtunc & ibidem invent. adtunc & ibidem furat. fuit cepit & aſportavit contra pacem dict. Dom. noſtri Regis Coronam & Dignitatem ſuas.*

Iriſh Cattle, &c.

A Warrant to ſeize *Iriſh* or Foreign Cattle imported into *England*.

To the Conſtables, &c.

18 *Car.* 2. *cap.* 2. 20 *Car.* 2. *cap.* 7. 32 *Car.* 2. *cap.* 2. *Devon. ſſ.* WHereas I am informed, That there are lately imported into *England* from *Ireland*, or ſome other Foreign parts, and are now remaining in your Pariſh of C. certain Cattle and Beaſts prohibited by the late Acts of Parliament to be imported. Theſe are therefore in his Majeſty's Name to give you Notice thereof, and to will and require you, and every of you forthwith after ſight hereof, to uſe your utmoſt diligence and endeavour to ſearch for, find out and diſcover the ſame Cattle and Beaſts, and the ſame to ſeize and take into your Cuſtody to the intent the ſame may be proceeded with as by the ſaid Act is appointed, Given, &c.

A Warrant to kill the ſaid Cattle.

To the Conſtables, &c. *or to the Seizor of the Cattle*, [as the Caſe is.]

Devon. ſſ. WHereas I am given to underſtand, That you or ſome of you having ſeized within your Pariſh certain Cattle and Beaſts, namely, ſix Oxen, four Kine, &c. [naming the ſorts and number] late belonging to or in the Poſſeſſion of *E. F.* as forfeited for being imported out of *Ireland*, or ſome other foreign parts beyond the Seas contrary to the Acts of Parliament in that behalf; and that the Importer or Importers thereof have been convicted of ſuch Importation and Forfeiture of the ſaid Cattle. Yet nevertheleſs you the ſaid Seizor or Seizors by the ſpace of ſix days next after ſuch Conviction and Forfeiture, have delayed and ſtill do delay or neglect to cauſe the ſame Cattle to be killed, whereby the Diſtribution thereof according to ſaid Acts is retarded and hindred. Theſe are therefore in his Majeſty's Name, to require you immediately upon ſight hereof to cauſe the ſaid Cattle

Cattle to be killed, to the end that the ſame may be forthwith diſtributed, as by the ſaid Acts is required. And hereof fail not, &c.

A Warrant to levy 40 *s.* upon the Churchwardens or Seizor that ſhall fail in killing or making diſtribution as aforeſaid.

To the Conſtables, &c.

Devon. ff. WHereas I am given to underſtand, That *J. S.* having ſeized within your Pariſh certain Cattle and Beaſts, namely, ſix Oxen, four Kine, &c. lately beloging to or in the poſſeſſion of *E. F.* as forfeited for being imported from foreign parts beyond the Seas, contrary to the late Acts of Parliament in that behalf, and that the ſame are convicted and forfeited according to the ſaid Acts, yet the ſaid *J. S.* by the ſpace of ſix days next after ſuch Conviction and Forfeiture hath delayed, and ſtill doth delay, to cauſe the ſame Cattle and Beaſts to be killed and diſtribution to be made thereof according to the ſaid Acts. Theſe are therefore in his Majeſty's Name to will and require you forthwith after ſight hereof, to levy or cauſe to be levyed the Sum of 40 *s.* for every one of the ſaid great Cattle and 10 *s.* for every of the ſaid Swine which ſhould have been killed and diſtributed as aforeſaid, in purſance of the ſaid Acts by Diſtreſs and Sale of the Goods and Chattles of the ſaid *J. S.* rendring the ſaid *J. S.* the Overplus (neceſſary Charges of Diſtraining being firſt deducted) And in default of ſuch Diſtreſs to commit the ſaid *J. S.* to the Common Goal of the ſaid County there to remain for the ſpace of three Months without Bail or Mainprize according to the Statute in that behalf made. Hereof fail not. Given, &c.

A Warrant to deliver to the Owners certain Cattle being ſeized as forfeited by the ſaid Acts.

To the Conſtables, &c.

Devon. ſſ. WHereas Complaint hath been made to me, that you, or ſome, or one of you have or hath ſeized or taken into your Cuſtody certain Cattel belonging to or late in the poſſeſſion of *G. H.* namely, ten Oxen, ſix Kine, two Heifers, &c. as forfeited for being imported out of *Ireland* into *England*, contrary to the late
23 *Car.* 2. *cap.* 2. Acts of Parliament in that behalf. Now foraſmuch as the ſaid *G. H.* within 48 hours after ſuch Seizure hath made it appear to me by the Oath of two credible Witneſſes, that the ſaid Cattle were not imported from *Ireland* aforeſaid, nor any other place beyond the Seas contrary to the ſaid Acts. Theſe are therefore in his Majeſty's Name to will and require you forthwith upon ſight hereof to deliver unto the ſaid *G. H.* the ſaid Cattel and every of them without delay according to the ſaid Acts, as you will anſwer the contrary. Given, &c.

Note, The like Warrants may ſerve for any prohibited Goods, *(mutatis mutandis.)*

Licences.

A Licence for a common Higler.

Die Veneris —— *Die* —— *Anno Regni Domini noſtri* Gulielmi *tertii Dei gratia* Angliæ, Scotiæ, Franciæ & Herberniæ *Regis Fidei Defenſor', &c. ſeptimo.*

Devon. ſſ. AT the General and open Quarter Seſſions of the Peace holden at *E.* in the ſaid County the day and year above writtten, *J. S.* of *T.* in the County aforeſaid being now preſent in this Court is licenſed and allowed in open Court by the Juſtices of the Peace of the
5 *El. c.* 12. ſaid County, to be a common Higler, Lader, Kedder, Carrier, Buyer and Seller of Hens, Chickens, Capons, Eggs, Butter,

Butter, Cheeſe, Fiſh, and all other dead Victuals (except Pheaſants, Hares and Partridges) in any open Market or Fair within this Kingdom of *England*, to uſe and occupy the ſaid Office and dealing as aforeſaid, according to the Laws and Statutes of this Realm in that caſe made and provided. This Licence to continue only for the ſpace of one whole year next coming from the day of the date hereof, and no longer. In witneſs whereof three of the Juſtices of the Peace of the ſaid County being preſent at the ſaid Seſſions have ſigned and ſealed this preſent Licenſe with their Hands and Seals the day and year above written.

A Licence for a Badger of Corn.

Die, &c.

Devon. ſſ. AT the General Seſſions of the Peace holden at *E.* in the County aforeſaid this preſent day *A. B.* of *C.* in the County aforeſaid is admitted, licenſed and appointed by the Juſtices of the Peace of the ſaid County to be a Common Badger, Lader, Kedder, Carrier, Buyer or Tranſporter of all manner of Corn or Grain in any Market or Fair within the Realm of *England*, and the ſame ſo bought to convert to Meal, and the ſame to carry to the City of *L.* or the Suburbs of the ſame, or to any other Market or Fair, ſo that he uſe the ſame according to the tenor and true meaning of the Statute in that caſe made and provided againſt Foreſtallers, Regrators and Ingroſſers, and not otherwiſe. The ſame Licence to have continuance from the day of the date hereof until the next General Seſſions of the Peace after the Feaſt of St. *Michael* the Archangel next coming, to be holden at *E.* aforeſaid. In Witneſs whereof we have hereunto ſet our Hands and Seals this —— day of —— *Anno Domini*, 1695.

A. B. C. D. E. F.

6 Ed. 6. cap. 14. 13 Eliz. cap. 25. made perpetual. 5 El. c. 12. 21 Jac. 1. cap. 22. 3 Juſtices, 1 Quorum. Not for above a year.

Seſſions may inquire of and determine the Licences for Badgers, &c. which are to be granted in open Seſſions, 5 *Eliz. cap.* 12. *Crompton* 124. *Lamb. cap.* 19. *p.* 601.

By the ſame Statue, a Licence may be granted to Drovers of Cattle to buy and ſell again.

A Preſentment, Bill or Information againſt Drovers and Badgers on 5 *Eliz. c.* 12. on Examination of two lawful Witneſſes ſhall be as if he had been indicted by twelve.

Two

Two Juſtices may give Licence to Pedlers, Tinkers and Petty Chapmen to travel, ſo that they ſhall not be taken as Rogues, 14 *Eliz. cap.* 5. 39 *Eliz. cap.* 4.

And by 5 and 6 *Edw. 6. cap.* 21. If they Travel without Licence to be impriſoned, 14 days at leaſt.

A Licence for a Petty Chapman.

To the Bailiffs, Conſtables and other of his Majeſty's Officers of the ſame County, and to every of them, Greeting.

Devon. ſſ. KNow ye, That we *A. B.* and *C. D.* Eſquires, two of his Majeſty's Juſtices of the Peace within the County aforeſaid, have licenced, and by theſe Preſents do Licence *E. F.* of *G* in the County aforeſaid, Yeoman, to be a Petty Chapman to travel and go from Town to Town, Village to Village, and Place to Place to ſell Pins, Points, Tapes, Laces, Knives, Combs, &c. and ſuch other kind of ſmall Wares, and alſo to gather and buy Cony-skins, Hare-skins, and ſuch kind of ſmall Wares within the County aforeſaid, and not elſewhere, provided that this our Licence ſhall continue in effect only for one whole year, from the day of the date, and no longer. In witneſs, &c.

A Licence for a Poor Man to travel to his Friends, *&c.*

To all Conſtables, &c. *(ut antea.)*

14 *El. c.* 5. 29 *El. c.* 4. *Cromp.* 198 *Lamb.* 331

Devon ſſ. A. *B.* and *C. D.* Eſquires, two of his Majeſty's Juſtices of the Peace for the ſame County, greeting. Whereas the Bearer hereof *E. F.* of *G.* &c. being a Poor Man, and in neceſſity, hath deſired a Teſtimonial or Licence for his ſafe Travel unto the Town of *H.* in the County of *L.* where he ſaith he was born, and hath ſome Friends there yet living, by whom he hopes to be relieved, In conſideration whereof, Know ye, That we the ſaid *A. B.* and *C. D.* as much as in us lieth, do Licence the ſaid *E. F.* to travel the direct way from *G.* in the ſaid County of *D.* to the ſaid Town of *H.* in the County of *L.* ſo as his Journy be not for longer or farther continuance than

than twenty days next after the date hereof, praying you and every of you to ſuffer him to paſs in peace, ſo that he demean himſelf orderly, and ſhew himſelf in no reſpect offenſive to his Majeſty's Laws. In witneſs whereof, &c.

A Licence to beg.

To all Conſtables, &c.

Devon. ff. A. *B.* and *C. D.* Eſquires, two of their Majeſty's of the Peace within the County aforeſaid, greeting: Whereas the Bearer hereof, and *E. F.* of *G.* in the County aforeſaid, being a very Poor Man, and hath loſt the uſe of his right Hand, by reaſon whereof he is not able to labour, nor to get a Livelihood of himſelf without the charitable Relief of others, and being now an Inhabitant in the ſaid Town of *G.* which ſaid Town of *G.* is at preſent charged with more Poor and impotent People than it is able to relieve. Know ye therefore that we the ſaid Juſtices have licenced and allowed the ſaid poor Man to go abroad and beg, gather and receive the charitable Alms of well diſpoſed People inhabiting and dwelling within the Hundred of *H.* in the ſaid County, requiring you not to moleſt or trouble the ſaid poor Man for ſo doing, but deſiring you rather to relieve him in his neceſſity as to you ſhall ſeem meet, this our Licence to remain and be in force for one whole year next enſuing the date hereof, and not not longer. In witneſs, &c. 22 *H.* 8. *c.* 12.

Lords-Day.

NOTE, That all the Laws for frequenting Divine Service on the Lords-Day ſhall be ſtill in force, and executed againſt Offenders, except they go to ſome Congregation permitted by the ſaid Act, 1 *W.* & *M. cap.* 18.

See before for not coming to Church amongſt the Preſidents, Title Conventicles.

A Warrant to levy the Forfeitures on ſuch as uſe Sports and Plays on the Lords-day, &c.

To all Conſtables and Borſhoulders, &c. and to the Churchwardens of the Pariſh of S. within this County of S. and every of them.

1 Car. 1. cap. 1. *All Concourſe of People out of their own Pariſhes for any Paſtime whatſoever, as Bearbaitings, Bullbaitings, Enterludes, Common Plays, and all other unlawful Paſtimes are prohibited on the Lords-day.*

Devon. ff. WHereas *J. N.* Butcher, *R. S.* Shoomaker, *J. L.* Weaver, *J. P.* Taylor, *J. D.* Blackſmith, *E. R.* Tanner, *N. P.* Labourer, &c. all of your Pariſh of *S.* within this County, having been lawfully convicted before me, that they on the thirtieth day of *July* laſt paſt, being the Lords-day, did cauſe or maintain, or keep an Aſſembly, Meeting or Concourſe at *C.* in this County, being out of their own Pariſh, for Sports and Paſtimes, namely, Football, Wreſtling, Cards and Dice [and as the caſe is] contrary to the Acts of Parliament in that caſe made and provided, by which each of them hath forfeited 3 *s.* 4 *d.* a-piece for the uſe of the Poor of your Pariſh, to be levied by the Conſtables and Church-wardens by diſtreſs and ſale of the Goods of the Offender, and in default of diſtreſs to be put in the Stocks for three hours. Theſe are therefore in his Majeſty's Name to authorize and require you forthwith to levy the ſame Sum of 3 *s.* 4 *d.* of every of the above-named Perſons, and of their Goods reſpectively, by diſtreſs and ſale thereof, rendring to them the overplus, and in caſe of want of diſtreſs, that then you ſee that the ſame Perſon or Perſons wanting diſtreſs be ſet publickly in the Stocks by the ſpace of three hours, and the ſame Mony forfeited, being by you received, that you take care that the ſame be by you employed to the uſe of the Poor of your Pariſh, according to the ſaid Act. Given, &c.

1 *Juſtice by View or Confeſſion, or by Oath of one Witneſs, to be proſecuted within one month after the Offence.*

A

A Warrant to levy the penalty on Carriers, &c. that travel upon the Lords-Day.

To the Conſtables, &c. *as in the aforeſaid Warrant.*

Devon. ſſ. FOraſmuch as it being duly proved before me, that *R. S.* of your Pariſh of *N.* a common Carrier, (Waggoner, Carter, Wainman, Butcher and Drover of Cattel, as the Caſe is) the ſeventh day of *May* now laſt paſt, being the Lords-day, in your Pariſh of *N.* aforeſaid, did being then a common Carrier with his Horſes, &c. travel into and through your ſaid Pariſh of *N.* contrary to the Statute in that caſe provided, by which he hath forfeited 20 *s.* to the uſe of the Poor of your ſaid Pariſh of *N.* Theſe are, &c. to authorize and require you forthwith to levy the ſame Forfeiture of the Goods of the ſaid *R. S.* by diſtreſs and ſale thereof rendring to him the overplus, and the ſame ſo by him received, that you ſee it be employed to the uſe of the Poor of your Pariſh, according to the intent of the ſaid Act. Hereof fail not at your peril. Given under my Hand and Seal, &c.

3 Car. 1. *cap.* 1. 1 *Juſtice by View or Confeſſion, or* 2 *Witneſſes to be within ſix months,* 29 Car. 2. *cap.* 7. *Proſecution to be within* 10 *days.*

A Warrant to levy the Forfeiture on a Butcher for killing Meat on the Lords-Day.

To the Conſtables, &c. *as aforeſaid.*

Devon. ſſ. FOraſmuch as it being duly proved before me, that *C. D.* of your Town, Butcher, (or any one by his privity or conſent) did in *N.* aforeſaid, the ſeventh day of *May* now laſt paſt, being the Lords-day, kill or cauſe to be killed, Victuals, *(viz.)* one Sheep (or did ſell Victuals) contrary to the Act of Parliament in that caſe made and provided, whereby he hath forfeited for the ſaid Offence 6 *l.* 8 *d.* to the uſe of the Poor of the ſaid Pariſh of *N.* Theſe are therefore (in his Majeſty's Name) to authorize and require you forthwith to levy the ſaid Forfeiture of the Goods of the ſaid *C. D.* by diſtreſs and ſale thereof, rendring to him the overplus (if any be) and the ſame ſo by you received, that you ſee it be employed to the uſe of the Poor of the Pariſh, according to the intent of the ſame

ſame Statute; and hereof fail not, &c. Given under my Hand and Seal this, &c.

A Warrant againſt Officers for negligence.

To the Conſtables and Overſeers of the Poor of the Pariſh of W. *in the County of* D.

29 Car. 2. cap. 7. 2 Juſtices. *Devon. ff.* WHereas information and complaint being given unto us, that the Prophanation of the Lords-day is very much and frequently practiſed within your Pariſh by diſorderly Meetings of ſeveral Perſons, by Gaming, Sports and Paſtimes, Drinking, Tipling, and by other means contrary to the Laws in that caſe made and provided, and that you are negligent in the Duties laid upon you by the ſame Laws. Theſe are therefore (in his Majeſty's Name) ſtraitly to charge and command you henceforth to look to it, that no ſuch Diſorders be hereafter among you, but that you forbid the ſame, and that you do from time to time, according to the Duty of your Places, make diligent ſearch for the finding out, apprehending and puniſhing of all that ſhall be found Offenders herein, and that you do inform us hereof as occaſion ſhall be; and that you or ſome of you appear before the Juſtices of the Peace at the Sign of the *White-Lyon* in *W.* aforeſaid, on *Tueſday* next being the 12th inſtant at eight of the Clock in the Forenoon, and bring in the Names in Writing of thoſe Perſons who ſhall in the mean time offend in the Premiſes, letting you know, that if you fail hereof, we ſhall inflict the puniſhment appointed by the ſame Laws upon you for your neglect therein. Given under our Hands, &c.

A Warrant to levy 4 *s.* for carrying of Burthens, or expoſing to ſale Goods, Wares, *&c.* on the Lords-day.

To the Conſtables, &c. *of* W. *or to the Church-wardens*, &c.

29 Car. 2. cap. 2. *Devon. ff.* FOraſmuch as it being duly proved before me, that C. D. of your Pariſh did the ſeventh day of *May* laſt paſt, being the Lords-day at *W.* aforeſaid,

(as

(as the caſe is) contrary to the Act of Parliament in that caſe made and provided, by which he hath forfeited 5 *s.* to the uſe of the Poor of the ſaid Pariſh of *W.* Theſe are therefore (in his Majeſty's Name to authorize and require you forthwith to levy the ſaid Forfeiture of the Goods of the ſaid *C. A.* by diſtreſs and ſale thereof, rendring to him the overplus (if any be) and the ſame ſo by you received, that you ſee it be imployed to the uſe of the Poor of your Pariſh according to the purport of the ſaid Statute; and in caſe of want of diſtreſs, that then you ſee that the ſaid *C. A.* be ſet publickly in the Stocks by the ſpace of two hours; and hereof fail not. Given under my Hand and Seal, &c. 1 *Witneſs within* 10 *days.*

Note, To exerciſe any Worldly Buſineſs or Work of his Ordinary Calling or Publick Cry, ſhew forth or expoſe to ſale any Wares, Merchandizes, Fruits, Goods or Chattels whatſoever, or to uſe, imploy or travel with any Boat, Wherry, Lighter or Barge, all which are comprehended in the ſaid Statute (Milk as alſo Works of Neceſſity and Charity excepted.)

Shoo-makers putting to ſale Boots, Shoos, &c. upon *Sunday* ſhall forfeit for every ſuch Offence 3 *s.* 4 *d.* and alſo the Boots, &c. 1 *Jac.* 1. *cap.* 11.

A Licence to travel by Water on the Lords-day.

Devon. ſſ. THeſe are to certifie that *N. O. R. S.* the Bearers hereof have made it appear before me, that they have urgent Occaſions to paſs on the next Lords-day from *B.* to *C.* by Water; all Conſtables, Church-wardens and other his Majeſty's Officers, are therefore required to permit the ſaid *N. O. R. S.* to paſs without interruption. Given under under my Hand and Seal. 29 *Car.* 2. *cap.* 2. *Licence of Wherry, Barge*, &c. *on the Lords-day to be by one Juſtice of the Peace of the County*, &c. *or Head Officer adjoyning*, &c.

A Licence to travel on the Lords-day.

To all Conſtables, &c.

3 *Car.* 1. *cap.* 1. THESE are to certifie that *E. F.* of *G.* &c. where he now dwelleth, having informed me that he hath a Brother at *H.* in the County of *D.* where he lieth now very ſick, and he hath a deſire to ſee him, Know ye, that for this Cauſe I do hereby licence him to travel upon the next Lords-day the direct way to his Brother, willing and requiring you not to moleſt or hinder him for the ſame, ſo that he behave himſelf orderly in his Travel.

A Warrant to levy 5 *s.* for exerciſing a Trade on the Lords-day.

To the Churchwardens, &c. *of the Pariſh of*, &c.

Midd. ff. WHereas it hath been duly proved before us upon Oath, That *A. B. C. D. E. F.* &c. all Barbers, [or as the Caſe is] did exerciſe the Works of their ordinary Callings on the third inſtant, being the Lords-day, whereby each and every of them have forfeited the Sum of 5 *s.* a-piece, for the uſe of the Poor of the ſaid Pariſh according to the Statute in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to require you forthwith upon ſight hereof to levy the ſaid Sum of 5 *s.* of the Goods reſpectively of every of the above named perſons by Diſtreſs and Sale thereof, rendring to them reſpectively the Overplus of the Mony raiſed thereby, which Monies ſo forfeited being by you received, you are to employ the ſame towards the Relief of the Poor of your ſaid Pariſh, according to the Statute in that behalf made and provided. And hereof fail not. Given under our Hands and Seals, &c.

A War-

A Warrant to return the Names of ſuch Perſons as ſhall expoſe Goods to Sale, or exerciſe or frequent unlawful Sports on the Lords-day.

To the Church-wardens, &c. of the Pariſh of, &c.

Midd. ff. TO the end the Laws may be put in due Execution againſt all Prophaners of the Lords-day, for the more effectual reſtraint of that great Offence. You are hereby in his Majeſty's Name required upon every of the ſaid days, ſo long as any Prophanation thereof ſhall appear within the ſaid Pariſh to take a ſtrict Account of all Perſons therein, that on any part of that day ſhall expoſe any Wares to Sale, or ſhall do any worldly Buſineſs or Labour in their ordinary Calling (other than Works of Charity and neceſſity by Law permitted) or ſhall exerciſe or frequent any unlawful Sports. And of all Offenders in any the ſaid Premiſes, you are forthwith thereupon to make Oath, or cauſe Oath to be made, before me, one of his Majeſty's Juſtices of the Peace for the ſaid County, or ſome other of the ſaid Juſtices, whereby ſuch Seizures and Levies may be made, and ſuch Penalties inflicted as the Law in that behalf ſhall require; In doing whereof this ſhall be your Warrant. Hereof fail not at your peril. Given under my Hand, &c. 29 *Car.* 2. *cap.* 7.

Markets.

A Warrant againſt Butchers, Poulterers, Laders, Kidders, Gardiners, Fruiterers, Fiſhſellers, Oyſter-ſellers, Bakers, *&c.* that foreſtall the Market by ſelling their Commodities in private Lanes, Tavern-doors, *&c.*

To A. B. *and to all and every other the Conſtables within the City of* London, *and the Liberties thereof.*

London ſſ. WHereas *L. M. N.* O. and *R. S.* of *London* Gent. are by Order of Common Council appointed to be Receivers and Collectors of the Duties due to this City, *Leaden-Hall*, *Hony-Lane* and *Newgate* Markets, and other Markets and places within the ſaid City and Liberties thereof. And whereas the ſaid *L. M. N.* O. and *R. S.* have under them appointed and conſtituted *A. B.* ſworn Conſtable within this City to be one of their Deputies and Aſſiſtants for the more peaceable and orderly collecting of the ſaid Duties of the Market People reſorting to the ſaid Markets and places to vend their Commodities. Theſe are therefore in his Majeſty's Name to charge and command you the ſaid *A. B.* that in Caſe you ſhall at any time hereafter find any Butcher, Poulterer, Victualler, Country Farmer, Lader, Kidder, Gardner, Fruiterer, Fiſhſeller, Oyſter-ſeller, Mealman or Baker, or any other perſon or perſons whatſoever ſelling or offering to ſell, utter, put or expoſe to Sale by way of hawking, or as an Hawker, any manner of Butchery or Poultry Wares, Oyſters, or other Victuals or Proviſions whatſoever under any private Stall, or at any Tavern-door, or in any private Lane or Ally, Inn, Warehouſe, Street, common Paſſage or other place whatſoever, within this City or Liberties, except in his, her or their own Shop or Shops, or in any of the publick Market place or places, and in Market time only according as is before appointed; or if you ſhall find any perſon or perſons make any Diſturbance or Riot in any of the Markets of this City to the breach of his Majeſty's Peace, or ſhall refuſe to pay the Collectors their juſt Dues, and yet continue their places in the Markets, that then you apprehend all ſuch Offenders, and

3 *Ed.* 1. *cap.* 31. 25 *Ed.* 3. *cap.* 3. 2 *Rolls* 22. 2 *Bulſtr.* 317. *Godb.* 131.

and bring them before me, or any other of his Majeſty's Juſtices of the Peace within this City and Liberties to be examined and dealt with according to Law. And theſe are farther in his Majeſty's Name to charge and command all Conſtables within this City and Liberties thereof, and all other perſons to be aiding and aſſiſting unto the ſaid *A. B.* in the preſervation of his Majeſty Peace in the due execution thereof. And hereof fail not. Given under my Hand and Seal this 12th day of *June*, *Anno Domini*, 1693.

J. P. Mayor.

Misdemeanours.

A general Warrant for Misdemeanours.

To the Conſtable and Burſholders of, &c.

Devon. ff. THeſe are in his Majeſty's Name to command you, that you, ſome or one of you do cauſe *C. D.* of *E.* to come before me to anſwer unto ſuch Matters of Misdemeanour as on his Majeſty's behalf ſhall be objected againſt him, and farther to do and receive as to Juſtice doth appertain. Hereof fail not, &c. Given under, &c.

Or thus.

THeſe are to will and require you and in his Majeſty's Name ſtraitly to charge and command you, and either of you, that immediately upon the ſight hereof, or upon Tueſday next at three of the Clock in the Afternoon, you bring *C. D.* of your Town Butcher, before me to anſwer to ſuch Matters of Miſdeameanour as on his Majeſty's behalf ſhall be objected againſt him. And hereof fail not. Given under my Hand and Seal, &c.

The like Warrant returnable before any Juſtice, and the Accuſer to have Notice.

To the Conſtables, &c.

Devon. ſſ. THeſe are in his Majeſty's Names to command you, that ſome or one of you, do cauſe *C. D.* of, &c. to come before me, or ſome other of his Majeſty's Juſtices of the Peace of the ſaid County, to anſwer unto ſuch Matters of Miſdemeanour as ſhall be objected againſt him by *G. H.* of, &c. Weaver; and farther to do and receive as to Juſtice doth appertain. And you are farther hereby required to give convenient notice to the ſaid *G.H.* of the time and place, when, whither and before whom you ſhall cauſe the ſaid *C. D.* to come, in execution of this Precept, to the end that the ſaid *G. H.* may then and there alſo be perſonally preſent to make appear the Miſdemeanour aforeſaid. Given under my Hand and Seal, &c.

To bring one to the Seſſions.

To the Conſtables, &c.

Devon. ſſ. THeſe are to will and require, and in his Majeſty's Name ſtraitly to charge and command you, that you bring the Body of *C. D.* of your Pariſh of *M.* Cordwainer, before the Juſtices of the Peace for the ſaid County at *L.* on Munday next by eight of the Clock in the Morning, there to anſwer ſuch Matters as on his Majeſty's behalf ſhall be objected againſt him. And hereof fail not at your perils. Given, &c.

A Condition of Recognizance for Miſdemeanour.

UPON this Condition, That if you *C. D.* ſhall perſonally appear before our Sovereign Lord the King's Juſtices of the Peace at the next General Seſſions of the Peace to be holden for the Liberty of *C.* and do then and there make Anſwer unto all ſuch things which (on his Majeſty's behalf) ſhall be objected againſt you, and do not depart thence without Licence of the Court. Then your Recognizance to be void, or elſe to ſtand in full force, &c.

Murther.

A Condition of Recognizance to prefer a Bill of Indictment, and to give Evidence at the next General Gaol Delivery, alias *Aſſizes, to both Juries in caſe of Murder.*

THE Condition of this Recognizance is ſuch, That if the above bound *R. S.* do perſonally appear before his Majeſty's Gaol delivery, at the next General Delivery to be holden for the within named County of *Devon.* and do then and there prefer, or cauſe to be preferred a Bill of Indictment againſt *G. H. J. K. L. M. N. O.* and *P. Q.* for Murder of *T. W.* Gent. deceaſed, wherewith the ſaid *G. H.* and *J. K.* are chargeable before the within named Juſtice aforeſaid, and with Suſpition whereof the ſaid *L. M. N. O.* and *P. Q.* are alſo charged before the Juſtice aforeſaid, and do alſo then and there give ſuch Evidence as he knoweth concerning the Murder aforeſaid, as well to the Jurors as ſhall enquire thereof for our Sovereign Lord the King, as alſo to the Jurors that ſhall paſs upon the Trial of the ſaid *G. H. J. K. L. M. N. O. P. Q.* or any of them for the ſame, then this Recognizance ſhall be void or elſe it ſhall ſtand in full force and vertue.

A Condition to prefer a Bill and give Evidence at the Seſſions.

THE Condition of this Recognizance is ſuch, That if the above bound *C. D.* do perſonally appear before his Majeſty's Juſtices aſſigned to keep the Peace in the above-named County of *H.* at the next General Seſſions of the Peace to be holden for the ſaid County at the Caſtle of *H.* in the County aforeſaid, and do then and there prefer or cauſe to be preferred one or more Bill or Bills of Indictment againſt *W. T.* of, &c. and do then and there alſo give ſuch Evidence as he knoweth concerning the ſame againſt the ſaid *W. T.* to the Jurors that ſhall enquire thereof on the behalf of our Sovereign Lord the King that now is; that then this Recognizance ſhall be void and of no effect, or elſe it ſhall ſtand in full force. 4 *Eliz. c.* 2. 3 *H.* 7. *c.* 1.

A Condition to prefer a Bill of Indictment, and to give Evidence, &c. in caſe of an Abettor in Murther.

THE Condition of this Recognizance is ſuch, That if the within bound *R. S.* do perſonally appear before his Majeſty's Juſtices of the Gaol Delivery at the next general Gaol Delivery to be holden for the within named County of *D.* do then and there prefer or cauſe to be preferred a Bill of Indictment againſt *J. P.* Eſquire touching his the ſaid *J. P.* being an Abettor to the Murther of *L. M.* deceaſed, wherewith he is charged before the within named Juſtices, and do alſo then and there give ſuch Evidence as he knoweth concerning the Matter aforeſaid, as well to the Jurors that ſhall enquire thereof on the behalf of our Sovereign Lord the King, as alſo the Jurors that ſhall paſs upon the Trial of the ſaid *J. P.* for the ſame. That then this Recognizance ſhall be void or elſe ſtand in full force.

Nets, Dogs and Conies.

A Warrant to ſearch for Nets and Setting-Dogs.

To the Conſtables and Burſholders of, &c.

23 *Eliz. cap.* 10. 3 *Bulſtr.* 178. 1 *Jac.* 1. *cap.* 27. 7 *Jac.* 1. *cap.* 11. 22 & 23 *Car.* 2. *cap.* 25.

Devon. ff. BY virtue of an Act of Parliament in that behalf made, Theſe are therefore in his Majeſty's Name to authorize and command you, and every of you to enter into and ſearch the Houſe or Houſes of any perſon or perſons within the ſaid Hundred, other than ſuch perſons which have free Warren, or is Lord of a Manor, or is ſuch Freeholder, which is ſeized in his own Right or the Right of his Wife, of Lands, Tenements or Hereditaments to the clear yearly value of 40 *l.* or more by the year (over and above all Charges and Reprizes) of ſome Eſtate of Inheritance, or of Lands, Tenements or Hereditaments, in his own Right, or in the Right of his Wife, for the term of Life or Lives, of the yearly value

lue of 80 *l.* (over and above all Charges and Repriſes) or which is worth in Goods and Chattles 400 *l.* ſuſpected to have Setting Dogs or Nets for the taking of Pheaſants and Partridges. And that whereſoever you, or any of you, ſhall find any ſuch Setting-Dog or Nets, the ſame you take, carry away and detain, kill, deſtroy and cut in pieces, as things prohibited by the Act aforeſaid, and forfeited to ſuch of you as ſhall find out and take the ſame as aforeſaid. Given under our Hands and Seals at *B.* in the ſaid County, the, &c. 2 *Juſtices*, 1 *Witneſs*, *or Confeſſion.*

Note, Pheaſants, &c. to be taken only between *Michaelmas* and *Chriſtmas*.

Unlawful Deſtroyers of Pheaſants, Hares, &c. Partridge, Pidgeons, &c. to be committed for three Monts without Bail, unleſs the Offender pay 20 *s.*

A Warrant to ſearch for Setting Dogs, Guns, Grey-hounds, *&c.*

To the Conſtables and Burſholders of, &c.

BY vertue of an Act of Parliament in that behalf lately made, Theſe are therefore in his Majeſty's Name to authorize and command you, and every of you, in the day time, to ſearch the Houſes, Out-houſes or other places of any perſon or perſons within the ſaid Hundred, other than of ſuch perſon as hath Lands or Tenements or ſome other Eſtate of Inheritance, in his own or in his Wife's Right, of the clear yearly value of 100 *l. per annum*, or for term of Life, or which hath a Leaſe or Leaſes of 90 years, or for any longer term, of the clear yearly value of 150 *l.* or which is the Son and Heir apparent of an Eſquire, or other perſon of higher Degree, or which are Owners or Keepers of Foreſts, Parks, Chaſes or Warrens, being ſtocked with Deer or Conies for their neceſſary uſe, in reſpect of the ſaid Foreſts, Parks, Chaſes or Warrens, as upon good ground ſhall be ſuſpected to have or keep in his or their Cuſtody any Guns, Bows, Grey-hounds, Setting Dogs, Ferrets, Cony-dogs or other Dogs to deſtroy Hares or Conies, Hays, Tramels or other Nets, Low-Bells, Hare-Pipes, Snares or other Engins for the taking and killing of Conies, Hares, Pheaſants, Partridges or other Game; and ſuch Guns, Bows, Grey-Hounds, Setting-Dogs as aforeſaid, Hays, Tramels, or other Nets, 22 & 23 *Car.* 2. *cap.* 25. 1 *Juſtice under his Hand and Seal.*

Lowbels, Hare-pipes, Snares, or other Engins aforeſaid, as you, or any of you, ſhall ſo find, to ſeize, detain and keep to and for the uſe of the Lord of the Manor or Royalty where the ſame ſhall be ſo found, or taken, or otherwiſe to cut in pieces or deſtroy, as things by the ſaid Act prohibited to be kept by perſons of their Degree. And what you ſhall do in the Premiſſes you ſhall make known unto me with all convenient ſpeed. Hereof fail not at your perils. Given under my Hand and Seal at, &c.

This may be directed to any ſpecial perſon or perſons as well as to the Officers.

Penalty 20 *s.* each Pheaſant and Partridge, and to enter a Recognizance (penalty 20 *l.*) that he will not at any time hereafter take, kill or deſtroy any Pheaſant or Partridge, which is to be returned to the next Quarter Seſſions, 7 *Jac.* 1. *cap.* 11.

A *Mittimus* againſt perſons that refuſe to enter into Recognizance to appear at Seſſions for the keeping Ferrets and Nets to kill Conies.

To the Conſtables, &c.

3 *Jac.* 1. *cap.* 13. 22 & 23 *Car.* 2. *cap.* 25.

Devon ſſ. FOraſmuch as *G. H.* and *J. K.* of *L.* in the County aforeſaid being this preſent day brought before me by Warrant by the Conſtable of *L.* aforeſaid, and being examined did upon their Examination confeſs that they had kept and uſed Nets and Ferrets for the taking and killing of Conies by the ſpace of a year laſt paſt contrary to the Statute in that Caſe made and provided. And being required to enter into Recognizance for their Appearance at the next General Quarter Seſſions of the Peace to be holden for the ſaid County they did both refuſe ſo to do. Theſe are therefore in his Majeſty's Name ſtraitly to charge and command you, that you receive into your Cuſtody the Bodies of the ſaid *G. H.* and *J. K.* whom I ſend you by *W. R.* one of the Conſtables of *L.* aforeſaid, and them ſafely keep until they ſhall enter into ſuch Recognizance as aforeſaid, or that they be otherwiſe diſcharged according to Law. Hereof fail not at your Perils. Given under my Hand and Seal, &c.

Vid. 7 *Jac.* 1. *cap.* 11.

A War-

A Warrant for one that hunts with Spannels in the ear'd Corn.

To the Conſtables, &c.

Devon. ſſ. FOraſmuch as Complaint hath been made unto me, That *S. T.* of your Town of *B.* Gent. did in *September* laſt paſt, hunt with his Spannels in the Ground of *W. R* where Corn did then grow, at which time the ſaid Corn was eared or codded and ſtanding, without the conſent of the ſaid *W. R.* then Owner of the ſame Ground, contrary to the Statute in that caſe made and provided, by which he hath forfeited 40 *s.* to the ſaid *W. R.* the Owner of the ſaid Ground. Theſe are therefore in his Majeſty's Name to command you and every of you, that ſome or one of you do warn him the ſaid *S. T.* to to come before us at *L.* the ſixth day of *October* next to anſwer the Premiſſes and to be then and there with this Warrant. Given under our Hand and Seals, &c. 23 *Eliz. cap.* 10. *Penalty* 40 *s.*

If he appear not, then ſay.

To put in Sureties for his appearance at the next general Seſſions of the Peace to be holden for this County to anſwer the ſaid Offence, and pay the Penalty. And in caſe he refuſe ſo to do, that then you, ſome or one of you ſafely convey him to the Gaol of, &c. and him there deliver to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely to keep until he ſhall find Sureties as aforeſaid. Given under my Hand and Seal, &c.

A Licence to Hawk, Hunt, Fiſh and Fowl.

TO all to whom theſe Preſents ſhall come, I *George* Lord *L.* &c. ſend Greeting. Know ye, that I the ſaid *G.* Lord *L.* for divers good Cauſes and Conſiderations me thereunto eſpecially moving, have given and granted, and by theſe Preſents do give and grant unto *A. B.* of, &c. Gent. and his Aſſigns, full, free and abſolute Power, Liberty, Licence and Authority to hawk, hunt, fiſh and fowl from time to time, and at all times hereafter, at the will and pleaſure of him the ſaid *A. B.* and his Aſſigns for and during

during the term of, &c. in, upon and within the Manor or Lordſhip of *H.* in the ſaid County, and in and upon all the Lands and Grounds thereof, and within the Bounds, Precincts, Limits and Circuits of the ſame in as full, free, ample and beneficial manner as I my ſelf might or could do in all and every reſpect or degree whatſoever, and without any manner of Let, Denial, Diſturbance or Interruption of me the ſaid *G.* Lord *L.* or any other perſon or perſons whatſoever, in, by, or through any Act, Means, Conſent, Privity or Procurement. And I the ſaid *G.* Lord *L.* do covenant, promiſe, grant and agree to and with the ſaid *A. B.* and his Aſſigns by theſe Preſents that it ſhall and may be lawful to and for the ſaid *A. B.* and his Aſſigns from time to time, and at all times hereafter during the ſaid Term of, &c. as occaſion ſhall be offered to ſeize, take and carry away, as well all and every the Nets and other Engins and Inſtruments of what kind ſoever, as alſo all the Dogs and Spannels of whatſoever ſort or kind of all or any perſon or perſons whatſoever, that ſhall at any time or times hereafter hawk, hunt, fiſh or fowl within or upon the ſaid Lordſhip or Manor of *H.* or within or upon any part or parcel thereof without the Licence or Conſent of the ſaid *A. B.* or his Aſſigns, or ſome of them firſt had and obtained, he the ſaid *A. B.* or his Aſſigns, delivering or cauſing to be delivered unto the Bailiff or Steward for the time being of me the ſaid *G.* Lord *L.* of the ſaid Manor or Lordſhip of *H.* the aforeſaid Nets, Engins, Inſtruments and Dogs ſo to be taken as aforeſaid, to be uſed, beſtowed and employed to and for the uſe and behoof of me the ſaid *G.* Lord *L.* in ſuch manner and form as I the ſaid *G.* Lord *L.* or my Aſſigns ſhall think fit. In witneſs whereof I the ſaid *G.* Lord *L.* have hereunto ſet my Hand and Seal this ſeventh day of *Auguſt*, *Anno Domini*, 1693.

Oaths.

Oaths.

The Oaths appointed to be taken by Members in Parliament and others in Offices of Truſt, inſtead of the Oaths of Supremacy and Allegiance.

Devon. ſſ. I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful and bear true Allegiance to his Majeſty King *William.*

So help me God, &c.

I *A. B.* do ſwear, That I do from my Heart abhor, deteſt and abjure, as impious and Heretical, that damnable Doctrin and Poſition, That Princes Excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be depoſed by their Subjects, or any other whatſoever. And I do declare, That no Foreign Prince, Perſon, Prelate, State or Potentate hath, or ought to have any Juriſdiction, Power, Superiority, Preeminence or Authority Eccleſiaſtical or Spiritual within this Realm.

So help me God, &c.

Note, All perſons (other than ſuch as are provided for in the ſaid Act) ſhall take the ſaid Oaths, &c. in ſuch manner, &c. as they ought to have taken the Oaths of Supremacy and Allegiance if they had not been abrogated, and thoſe neglecting, &c. to take the ſame ſhall incur the ſame penalties, &c. as by any former Statutes are provided and appointed. 1 *Gul. & Mar.* 6. 8.

All Commiſſion or Warrant Officers, That are or ſhall be imployed, ſhall take the ſaid Oaths, and ſubſcribe the Declaration of 30 *Car.* 2. or be incapable of executing any Imployment, *Vid.* 1 *Gul. & Mar. cap.* 25.

The Oath in 13 & 14 *Car.* 2. *cap.* 3. and part of the Declaration in another Act made the ſame year are taken away, and the ſaid new Oaths Enacted.

The

The Declaration in 25 Car. 2. cap. 2.

I *A. B.* do declare, That I do believe that there is not any Tranſubſtantiation in the Sacrament of the Lords Supper, or in the Elements of Bread and Wine, or after the Conſecration thereof by any perſon whatſoever.

A Certificate for one that hath taken the Oaths of 1 Gul. & Mar. cap. 1. *and ſubſcribed the Declaration mentioned in* 25 Car. 2.

1 *Gul. & Mar. cap.* 1. *Devon. ſſ.* THESE are to certifie all whom it may concern, That *C. D.* of the Pariſh of *E.* in County aforeſaid, Gent. came before their Majeſties Juſtices of the Peace for the ſame County at the General Seſſions of the Peace held at *N.* in the County aforeſaid on *Tueſday* the 15th day of *Auguſt*, 1693. and then and there before the ſaid Juſtices at the ſaid Seſſions did take the Oaths mentioned in a Statute made in the firſt year of the Reign of our Sovereign Lord and Lady King *William* and Queen *Mary*, Entituled, *An Act for removing and preventing all Queſtions and Diſputes concerning the aſſembling of this preſent Parliament*; and did likewiſe then and there before the ſaid Juſtices make and ſubſcribe the Declaration mentioned in a Statute made in the five and twentieth year of the Reign of the late King *Charles the Second*, Entituled, *An Act for preventing dangers which may happen from Popiſh Recuſants*. And that his taking the ſaid Oaths, and making and ſubſcribing the ſaid Declaration as aforeſaid, is regiſtred according to the direction of an Act of Parliament, Entituled, *An Act for exempting their Majeſties Proteſtant Subjects deſſenting from the Church of* England, *from the Penalties of certain Laws*. Signed and dated the 16th day of *Auguſt*, in the firſt year of their ſaid Majeſties Reign, *Annoq; Dom.* 1693.

Ibid.

25 *Car.* 2. *cap.* 2.

1 *Gul. & Mar. c.* 18.

A Cer-

A Certificate for one that hath taken the Oaths of 1 Gul. & Mar. cap. 8. *and ſubſcribed the Declaration mentioned in* 25 Car. 2.

Devon. ff. THESE are to certifie all whom it may concern, That *C. D.* of the Pariſh of *E.* in the County aforeſaid Eſquire, came before their Majeſties Juſtices of the Peace for the ſame County at the General Seſſions of the Peace held at *M.* in the County aforeſaid on *Tueſday* the 15th day of *Auguſt*, in the fifth year of the Reign of our Sovereign Lord and Lady King *William* and Queen *Mary*, and then and there before the ſaid Juſtices at the Seſſions, did take the Oaths mentioned in a Statute made in the firſt year of our Sovereign Lord and Lady, Entituled, *An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths.* And did likewiſe then and there before the ſaid Juſtices, make and ſubſcribe the Declaration mentioned in a Statute made in the five and twentieth year of the late King *Charles the Second*, Entituled, *An Act for preventing Dangers which may happen from Popiſh Recuſants.* And that his taking the ſaid Oaths, and making and ſubſcribing the ſaid Declaration as aforeſaid, is regiſtred according to the direction of the firſt above mentioned Act. Signed and dated the, &c.

1 *Gul. & Mar. c.* 8.

Ibid.

25 *Car.* 2. *cap.* 2.

The Names of the Perſons taking the ſame new Oaths, &c. ſhall be inrolled in the Chancery, Kings-Bench or Quarter-Seſſions, where the ſame are taken; the Rolls of the ſame to be publickly hung up, to be read without Reward.

1 *Gul. & Mar. c.* 8.

No perſon that takes the ſaid Oaths ſhall pay above 12 *d.* for the Entry thereof.

A Cer-

A Certificate of Commiſſioners appointed to adminiſter the ſaid Oaths to the Juſtices of the Peace at the Quarter Seſſions of thoſe that took the ſame Oaths, and a Mittimus *to the Gaol of thoſe refuſing.*

3 *Jac.* c. 4. WE *A. B.* and *C. D.* two of his Majeſty's Juſtices of the Peace for the County of *Devon.* whereof *A. B.* is of the *Quorum*, and alſo Commiſſioners appointed amongſt others by Commiſſion under the Great Seal of *England* to tender the Oaths mentioned in a Statute made in the firſt year of the Reign of our Sovereign Lord and Lady King *William* and Queen *Mary*, Entituled, *An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths to the perſons therein mentioned*, do certifie to their Majeſties Juſtices of the Peace for the ſaid County, in their General Quarter Seſſions held for the ſaid County at *H.* in the ſaid County on the 24th day of *May* in the year of our Lord 1693. That we did (according to the Statute in ſuch Caſe provided and in purſuance of the ſaid Commiſſion upon the, &c. day of, &c. laſt paſt at *H.*) tender the ſaid Oaths to *J. K. L. M.* and *N. O.* and then and there require the ſaid *J. K. L. M.* and *N. O.* and every of them to take the ſame Oaths according to the effect of the ſaid Statute, and of other Statutes in that Caſe made and provided. And we do farther certifie that the ſaid *J. K.* did then and there take the ſaid Oaths according to the effect of the ſaid Statutes. And we do farther certifie that the ſaid *L. M.* and *N. O.* did then and there obſtinately refuſe to take the ſaid Oaths, for which cauſe they the ſaid *L. M.* and *N. O.* were by us committed to their Majeſties Gaol for the ſaid County, there to remain without Bail or Mainpriſe for the ſpace of three Months. In Witneſs whereof we have hereunto ſet our Hands and Seals the, &c. day of, &c.

A *Mit-*

A *Mittimus* for refuſing to take the ſaid Oaths, and for not paying 40 *s.* for the firſt Offence.

To the Keeper, &c.

Devon ſſ. WE *R. G.* and *W. S.* two of his Majeſty's Juſtices of the Peace for the ſaid County, whereof *R G.* is one of the *Quorum*, do hereby commit to your Cuſtody the Body of *J. K.* for refuſing to take the Oaths, being tendred to him, mentioned in a Statute made in the firſt year of the Reign of our Sovereign Lord and Lady King *William* and Queen *Mary*, Entituled, *An Act for abrogating the Oaths of Supremacy and Allegiance and appointing other Oaths.* And for that the ſaid *J. K.* hath likewiſe refuſed to pay the Sum of 40 *s.* (as by the ſaid Act is appointed) to the Poor of the Pariſh of *N.* where the ſaid *J. K.* did laſt inhabit, requiring you the ſaid Keeper to receive him the ſaid *J. K.* into your ſaid Gaol, and him there ſafely to keep without Bail or Mainprize for the ſpace of three Months according to the Statute in that Caſe made and provided; and for your ſo doing this ſhall be your Warrant. Given under our Hands and Seals, &c. 1 *Gul. & Mar. c.* 8. 2 *Juſtices.*

All perſons refuſing to take the ſaid Oaths, when tendred, ſhall be committed to Gaol, or to the Houſe of Correction, for three Months without Bail, unleſs the Offender pay ſuch Sum not exceeding 40 *s.* as ſhall be required by the perſon or perſons tendring the ſame Oaths, for the uſe of the Poor where ſuch Offender did laſt inhabit.

If they refuſe the ſame again, when tendred, after the end of the ſaid three Months, to be committed as aforeſaid for ſix Months, unleſs they pay ſuch Sum as ſhall be required of them as aforeſaid, not exceeding 10 *l.* nor under 5 *l.* to be diſpoſed of as aforeſaid, or give Security to be of the Good Behaviour, and to appear at the next Aſſizes, and upon refuſing to take them there, to be incapable of any Office, Civil or Military, and to be of Good Behaviour till they take them.

The

The Declaration of Fidelity, and Subſcription of a Profeſſion of the Chriſtian Belief to be ſubſcribed by Diſſenters according to the Statute of 1 Gul. & Mar. cap. 18.

1 *Gul. & Mar. c.* 18. I *A. B.* do ſincerely promiſe and ſolemnly declare before God and the World, that I will be true and faithful to King *William the Third*, and I do ſolemnly profeſs and declare, that I do from my Heart abhor, deteſt and renounce, as impious and Heretical, that damnable Doctrin and Poſition, That Princes Excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be depoſed or murdered by their Subjects, or any other whatſoever. And I do declare, That no Foreign Prince, Perſon, Prelate, State or Potentate, hath or ought to have any Power, Juriſdiction, Superiority, Preheminence or Authority Eccleſiaſtical or Spiritual within this Realm.

And ſhall ſubſcribe a Profeſſion of their Belief in theſe Words.

I *A. B.* profeſs Faith in God the Father, and in Jeſus Chriſt his Eternal Son the true God, and the Holy Spirit, one God bleſſed for evermore. And do acknowledge the Holy Scriptures of the Old and New Teſtament to be given by Divine Inſpiration.

Juſtices of the Peace by this Act may require any Diſſenter going to Meetings to make and ſubſcribe the Declaration, and take the Oaths or Declaration of Fidelity aforeſaid, (in caſe ſuch perſons ſcruple an Oath) and upon Refuſal to commit him to Priſon without Bail, &c. and to certifie his Name to the next Seſſions. And ſuch perſon upon a ſecond tender at the Seſſions refuſing to ſubſcribe the ſaid Declaration ſhall be recorded for a Popiſh Recuſant Convict, and ſuffer accordingly.

Diſſenters that ſcruple to take any Oath ſhall make and ſubſcribe the Declaration in 30 *Car.* 2. *cap.* 1. and the Declaration of Fidelity aforeſaid, and ſubſcribe the ſaid Profeſſion of Chriſtian Belief which ſhall be entred on Record at the Seſſions; and every perſon ſo doing ſhall be exempted from all Penalties made againſt Popiſh Recuſants or Nonconformiſts, and from 5 *Eliz. cap.* 1. and 13 & 14 *Car.* 2. *cap.* 1. and enjoy all the Advantages which other Diſſenters ought to do by Vertue of this Act.

The

The Oath to be taken by the Clerk of the Peace in open Seſſions before he enters upon his Office.

I *A. B.* do ſwear, That I have not, nor will pay any Sum or Sums of Mony, or other Reward whatſoever, nor given any Bond or other Aſſurance to pay any Mony, Fee or Profit directly or indirectly to any perſon or perſons whomſoever for ſuch Nomination and appointment. 1 *Gul. & Mar.* 6. 21.

So help me God.

No *Cuſtos Rotulorum* or other perſon, having the Right of nominating the Clerk of the Peace ſhall take any Reward for ſuch Nomination. The Clerk of the Peace and the perſon ſo taking the Reward, to be diſabled to hold their ſaid places, and ſhall each of them forfeit double the value of the Reward ſo given or taken to be recovered by him that ſhall ſue for the ſame by Action of Debt, &c. *Ibid.*

The Oath of an Under-Sheriff and Bailiff touching the impannelling of Juries.

I *A. B.* do ſwear, That I ſhall not uſe or exerciſe the Office of Under-Sheriff [Bailiff, Deputy or Clerk or other ſuch Words as the Caſe requires] corruptly during the time that I ſhall remain therein; neither ſhall or will accept, receive or take by any colour, means or device whatſoever, or conſent to the taking of any manner of Fee or Reward of any manner of perſon for the impannelling or returning of any Inqueſt, Jury or Tales in any Court of Record for the King or betwixt party and party above 21. or the Value thereof, or ſuch Fees as are allowed and appointed for the ſame by the Laws and Statutes of this Realm; but will according to my power, truly and indifferently, with convenient ſpeed, impannel all Jurors, and return all ſuch Writ or Writs touching the ſame as ſhall appertain to be done by my Duty or Office during the time that I ſhall remain in the ſaid Office. 27 *Eliz.* cap. 12. *Before two Juſtices, one of the Quorum. The Oaths of* 1 Gul. & Mar. cap. 18. *muſt be alſo taken by him, or forfeit* 40 l.

So help me God.

Jurat' ad utraque Sacrament' (viz.) *ſupradict. decimo die* Julii *Anno Domini.* 1693. *coram nobis* R. S. *&* J. W. *de quibus* R. S. *eſt Quorum unus, &c.*

The Oath of a Coroner.

YOU ſhall ſwear, That you well and truly ſhall ſerve our Sovereign Lord the King's Majeſty and his Liege People in the Office of a Coroner, and as one of his Majeſty's Coroners of this County of *D.* and therein you ſhall diligently and truly do and accompliſh all and every thing and things appertaining to your Office, after the beſt of your Cunning, Wit and Power, both for his Majeſty's Profit and the Good of the Inhabitants within the ſaid County, taking ſuch Fees as you ought to take by the Laws and Statutes of this Realm.

So help you God, &c.

The Oath of a Bailiff of the Marſhals Court.

27 *Eliz. cap.* 12. I *A. B.* ſhall not uſe nor exerciſe the Office of one of the Bearers of the Verge of his Majeſty's Houſhold, and one of the Officers and Miniſters of the Court of our Sovereign Lord the Kings Palace of *Weſtminſter* corruptly during the time that I ſhall remain therein; neither ſhall or will accept, receive or take by any colour, means or device whatſoever, or conſent to the taking of any manner of Fee or Reward of any perſon or perſons for impannelling or returning of any Inqueſt, Juries or Tales in the ſaid Court for the King, or betwixt Party and Party above 2 *s.* or the value thereof, and ſuch Fees as are allowed and appointed for the ſame by the Laws and Statutes of this Realm, but will according to my power truly and indifferently with convenient ſpeed impannel all Jurors, and return all ſuch Writ or Writs touching the ſame, as ſhall appertain to be done by my Duty or Office during the time that I ſhall remain in the ſaid Office.

So help me God, &c.

This Oath and thoſe of 1 *Gul. & Mar. cap.* 18. ought to be taken by every Bailiff that executes any Writ, or forfeit 40 *l.*

The

The Oath of a Priſoner not worth 10 l.

I *A. B.* do upon my Corporal Oath ſolemnly profeſs and declare before Almighty God, That I have not any Eſtate Real or Perſonal in Poſſeſſion, Reverſion or Remainder of the Value of 10 *l.* in the whole, or ſufficient to pay the Debt or Damages for which I am impriſoned. And that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or entruſted, all or any part of my Eſtate, thereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof, or deceive any Creditor or Creditors whatſoever to whom I ſtand indebted. 22 & 23 *Car.* 2. *cap.* 20. 30 *Car.* 2. *cap.* 4. 31 *Car.* 2. *cap.* 2.

So help me God.

The Oath of a Commiſſioner of Sewers.

YOU ſhall ſwear, That you to your Cunning, Wit and Power ſhall truly and indifferently execute the Authority to you given by this Commiſſion of Sewers without any Favour, Affection, Corruption, Dread or Malice to be born to any manner of perſon or perſons; and as the Caſe ſhall require, you ſhall conſent and endeavour your ſelf for your part, to the beſt of your knowledge and power, to the making of ſuch wholeſome, juſt, equal and indifferent Laws and Ordinances as ſhall be made and deviſed by the moſt diſcreet and indifferent number of your Fellows being in Commiſſion with you, for the due Redreſs, Reformation and amendment of all and every ſuch things as are contained and ſpecified in the ſaid Commiſſion, and the ſame Laws and Ordinances to your Cunning, Wit and Power cauſe to be put in due Execution without Favour, Meed, Malice or Affection. 23 *H.* 8. *cap.* 5. 13 & 14 *Ed.* 6. *c.* 8. 3 *Jac. c.* 14 *Co.* 4 *Inſt. p.* 275.

So help you God.

The Oath of an Exciſeman.

12 *Car.* 2. *cap.* 23, 24. 2 *Juſtices, who muſt certifie the taking of this Oath at the next Quarter Seſſions there to be recorded.*

YOU ſhall ſwear to execute the Office of, &c. truly and faithfully without Favour or Affection, and ſhall from time to time true Account make and deliver to ſuch perſon or perſons as his Majeſty ſhall appoint to receive the ſame, and ſhall take no Fee or Reward for the Execution of the ſaid Office from any other perſon than from his Majeſty, or thoſe whom his Majeſty ſhall appoint in that behalf.

So help you God, &c.

With this muſt be taken the Oaths mentioned in 1 *Gul. & Mar. cap.* 8. *in pag.* 292.

The Oath of an Ale-caſter.

YOU ſhall ſwear that you ſhall well and truly ſerve the King's Majeſty in the Office of Ale-caſter, or an Aſſizer of that Liberty or Hundred for this year to come: You ſhall duly and truly ſee from time to time, that the Bread brought to be ſold be truly weighed, and that the ſame do contain ſuch Weight according to the prices of Wheat, as the Statute in that Caſe hath provided; likewiſe you ſhall have diligent care during the time of your being in Office to all Brewers and Tiplers within your Liberty, that they and every of them do make good and wholeſome Beer for Mans Body, and that the ſame be not ſold before it be aſſayed by you, and then to be ſold agreeable to the Prices limited and appointed by his ſaid Majeſty's Juſtices of the Peace; and all Faults committed and done by the Bakers, Brewers and Tylers, or by any of them, you ſhall make known and preſent the ſame at the next General Seſſions to be holded for the ſaid County; you ſhall likewiſe preſent all Offences of Drunkenneſs and haunting of Inns and Alehouſes by the Inhabitants of the Pariſh, or of any other Neighbouring Pariſhes whereby due puniſhment may be inflicted upon them for their Offence accordingly; and in every other thing you ſhall well and truly behave your ſelf in the ſaid Office for this year to come.

So help you God, &c.

The

The uſual Oath of Churchwardens.

YOU ſhall execute the Office of Churchwarden in the Pariſh where you are choſen for this enſuing year according to his Majeſty's Laws Eccleſiaſtical now in force.

So help you God, &c.

Or thus.

YOU ſhall execute the Office of Churchwarden in the Pariſh where you are choſen according to your diſcretion and ſkill in his Majeſty's Eccleſiaſtical Laws of this Realm now in force.

So help you God, &c.

The Oath of an High-Conſtable.

YOU ſhall ſwear, That you ſhall well and truly ſerve our Sovereign Lord the King in the Office of a Conſtable; you ſhall ſee and cauſe his Majeſty's Peace to be well and truly kept and preſerved according to your power; you ſhall arreſt all ſuch perſons as in your ſight and preſence ſhall ride or go armed offenſively, or ſhall commit or make any Riot, Affray or other breach of his Majeſty's Peace: You ſhall do your beſt Endeavour (upon Complaint made) to apprehend all Felons, Barretors and Rioters, or perſons riotouſly aſſembled; and if any ſuch Offenders ſhall make reſiſtance with force, you ſhall levy Huy and Cry, and ſhall purſue them until they be taken. You ſhall do your beſt endeavour that the Watch in and about your Hundred be duly kept for the apprehending of Rogues, Vagabonds, Night-walkers, Eves-droppers, Scouts and other ſuſpected Perſons, and of ſuch as go armed and the like. And that Huy and Cry be duly raiſed and purſued according to the Statute of *Wincheſter* (13 *Ed.* 1. *Stat.* 2. *Cap.* 1. *&c.*) againſt Murtherers, Thieves and other Felons; and that the Statutes made for the puniſhment of Rogues and Vagabonds and ſuch other idle Perſons as come within your Bounds and Limits, be duly put in Execution. You ſhall have a watchful Eye to ſuch perſons as ſhall maintain or keep any common Houſe or place where any unlawful Game is or ſhall be

uſed, as alſo to ſuch as ſhall frequent or uſe ſuch places, or ſhall uſe or exerciſe any unlawful Games there or elſewhere contrary to the Statutes. At your Aſſizes, Seſſions of the Peace or Leet, you ſhall preſent all and every the Offences done contrary to the Statute made 1 *Jac.* 4 *Jac.* and 21 *Jac. Regis* to reſtrain the inordinate haunting and tipling in Inns, Ale-houſes and other Victualling-houſes, and for repreſſing of Drunkenneſs. You ſhall there likewiſe true Preſentment make of all Blood-ſheddings, Affrays, Outcries, Reſcues, and other Offences committed or done againſt the Kings Majeſty's Peace within your Limits. You ſhall once every year during your Office, preſent at the Quarter Seſſions all Popiſh Recuſants within your Liberty, and their Children above nine, and their Servants (*ſcil.* their Monthly abſence from Church.) You ſhall well and truly execute all Precepts and Warrants to you directed from the Juſtices of Peace of this County or higher Officers. You ſhall be aiding to your Neighbours againſt unlawful Purveyances; in the time of Hay or Corn Harveſt upon requeſt, you ſhall cauſe all perſons to meet to ſerve by the day for the mowing, reaping or getting in of Corn or Hay. You ſhall in *Eaſter* Week cauſe your Pariſhioners to chooſe Surveyors for the mending of the High-ways in your Pariſh or Liberty; and you ſhall well and duly according to your Knowledge, Power and Ability, do and execute all other things belonging to the Office of a Conſtable, ſo long as you ſhall continue in the ſaid Office.

So help you God.

Note, In this Oath is briefly comprehended the whole Duty of a Conſtable and principal Matters of his Office.

The Oath of an High Conſtable upon delivering his Preſentment.

YOU ſhall true Preſentment make to the Grand Inqueſt of all Offences and Miſdemeanours committed or done within your Hundred, and are in any wiſe come to your knowledge, and belonging to you now to preſent, without Concealment.

So help you God, &c.

The

The Oath of a Conſtable.

YOU ſhall well and truly ſerve the King's Majeſty in the Office of a Conſtable of the Pariſh of *C.* All Commiſſions, Precepts and Warrants that are directed to you and ſhall come to your Hands, you ſhall to the beſt of your power cauſe to be duly and truly executed, all Riots and Miſdemeanours and Breach of the Peace ſuppreſs. You ſhall puniſh all Rogues, Vagrants and idle perſons, according to the Laws of this Land in that Caſe made and provided. You ſhall diligently purſue all Huy and Cries. You ſhall ſee that his ſaid Majeſty's Watch within the ſaid Pariſh of *C.* be duly and truly ſet according to his Majeſty's Laws. You ſhall alſo do your beſt endeavour to ſuppreſs Drunkenneſs within the ſaid Pariſh, and to ſee the Laws and Statutes concerning the ſame to be duly put in execution, and all other things belonging to the Office of a Conſtable ſo long as you ſhall continue in your Office, you ſhall well and truly do and perform ſo near as you can.

So help you God.

Or more briefly thus.

YOU ſhall ſwear that you ſhall well and duly execute the Office of a Conſtable, or Burſholder for the Pariſh of *D.* for the next year [or half year, as the Caſe is] and until another ſhall be ſworn in your room, or you ſhall be legally diſcharged thereof.

So help you God.

The Oath of a London *Conſtable.*

YOU ſhall ſwear that you ſhall keep the Peace of our Sovereign Lord the King well and lawfully to your power; and you ſhall arreſt all them that make Conteſt, Riot, Debate or Affray in breaking of the ſaid Peace, and lead them to the Houſe or Compter of one of the Sheriffs; and if you be withſtood by ſtrength of Miſdoers you ſhall raiſe on them an Outcry, and purſue from Street to Street, and from Ward to Ward till they be arreſted. And you ſhall ſearch at all times, when you be required by the

Scavenger or Beadles) the common Nuſance of your Ward, and the Beadle and Raker you ſhall help to collect and gather the Sallary and Quartridg if you be thereunto by them required; and if any thing be done within your Ward againſt the Ordinance of this City, ſuch defaults as you ſhall find there done, you ſhall then preſent to the Mayor and Miniſters of this City; and if you be hindred by any Perſon or Perſons that you may not duly do your Office, you ſhall certifie the Mayor of this City of the Name or Names of him or them ſo doing. You ſhall alſo ſwear, that during the time that you ſhall ſtand in the Office and perform the Place of Conſtable, you ſhall once at leaſt in every month certifie and ſhew to one of the Clerks of the Mayors Court, and in the ſame Court, as well the Names as Surnames of all Freemen within the Pariſh wherein you inhabited, as alſo the Names and Surnames of all the Children of the ſaid Freemen ſo deceaſed being Orphans of this City; and thus you ſhall do.

So help you God.

The Oath of a Grand Inqueſt.

YOU ſhall dilligently enquire and true preſentment make of all ſuch Matters, Articles and Things, as ſhall be given you in charge, as of all other Matters and Things as ſhall come to your knowledge touching this preſent Service, his Majeſty's Councel, your Fellows and your own; You ſhall preſent no Perſon for hatred or malice, neither ſhall you leave any one unpreſented for fear, favour or affection, for lucre or Gain, or any hopes thereof, but in all things you ſhall preſent the truth, the whole truth, and noth but the truth, to the beſt of your knowledge.

So help you God.

Or thus.

YOU ſhall truly enquire, and due preſentment make of all ſuch things as you are charged withal on his Majeſty's behalf; his Majeſty's Councel, your own and your Fellows, you ſhall well and truly keep, and in all other things the truth preſent.

So help you God, &c.

The

The Juries Oath.

THE ſame Oath that your Foreman hath ſworn you of your part ſhall well and truly keep.

So help you God, &c.

The Oath of thoſe who ſhall give Evidence upon Bills of Indictment.

THE Evidence that you ſhall give to the Grand Inqueſt upon this Bill of Indictment againſt *C. D.* ſhall be the truth, the whole truth, and nothing but the truth; and you ſhall not let ſo to do for malice, hatred or evil will, nor for meed, dread, favour or affection.

So help you God, &c.

The Oath of a Jury upon Traverſe.

YOU ſhall well and truly try the Iſſue of Traverſe between our Sovereign Lord the King and *W. R.* whom you have in charge according to your Evidence.

So help you God.

The Oath given to a Jury by whom a Niſi Prius *is to be tried.*

YOU ſhall truly try this Suit of *Niſi Prius* between Party and Party, according to the Evidence as ſhall be given you in Court, as near as God ſhall give you Grace.

So help you God.

The Oath given to Witneſſes between Party and Party at a Niſi Prius.

THE Evidence that you ſhall give to this Inqueſt concerning the matters in variance, ſhall be the truth, the whole truth, and nothing but the truth, ſo near as God ſhall give you Grace.

So help you God, &c.

The

The Oath given to a Jury upon Life and Death.

YOU ſhall well and truly and true Deliverance make between our Sovereign Lord the King and the Priſoner at the Bar, whom you ſhall have in Charge, and a true Verdict ſhall give according to your Evidence.

So help you God, &c.

Note, Every Juror is to lay his Hand on the Book and look towards the Priſoner.

The Oath of Witneſſes.

THE Evidence that you and every of you ſhall give to this Inqueſt againſt C. D. Priſoner at the Bar, ſhall be the Truth, the whole Truth, and nothing but the Truth.

So help you God, &c.

The Oath given to a Bailiff or Serjeant that attendeth on any Jury or Inqueſt at an Aſſize.

YOU ſhall well and truly keep every perſon ſworn of this Jury together in ſome private and convenient Room, without Meat, Drink, Fire, Candle or Lodging; and you ſhall not ſuffer any perſon whatſoever to ſpeak to them, until ſuch time as they be agreed of their Verdict.

So help you God, &c.

The Oath of a Jury of Women returned to try whether a Woman convicted, that pleads her Belly, be quick with Child.

YOU the Fore Matron of this Jury ſhall ſwear, That you ſhall ſearch and try the Priſoner at the Bar, whether ſhe be quick with Child of a quick Child, and thereof a true Verdict ſhall return according to the beſt of your Judgment.

So help you God, &c.

To

To the reſt of the Jury.

THE ſame Oath that *A. B.* your Fore-Matron hath taken on her part, you and every of you ſhall well and truly obſerve and keep on your parts.

So help you God, &c.

The Oath of him who craves the Peace againſt another.

YOU ſhall ſwear that the Surety of the Peace which you crave againſt *C. D.* is not for Hatred or Malice which you bear him, but for ſafety of your Body from harm, which you fear he will do or procure to be done unto you.

So help you God, &c.

Or thus.

THE Peace which you require againſt *C. D.* is not out of any ill Will or Malice which you bear to him, but meerly to preſerve your Life, Houſe, Goods, or Chattles from any bodily harm or Miſchief, which he by himſelf or any other by his procurement may attempt to do.

So help you God, &c.

Or thus.

YOU ſhall ſwear, that the Surety of the Peace which you crave againſt *C. D.* is not of any private Malice, Hatred or evil Will, but meerly that you are afraid of your Life, or the hurting or maiming of your Body, or the burning of your Houſes.

So help you God, &c.

An Oath to be given upon Examination or upon Information.

YOU ſhall true Anſwer make to all ſuch Matters as ſhall be demanded of you concerning the beating of *A. B.* You ſhall ſpeak the whole Truth and nothing but the Truth.

So help you God, &c.

The

The Oath of him that giveth Information.

THE Information that you ſhall give on the behalf of our Sovereign Lord the King's Majeſty againſt C. D. ſhall be the Truth, the whole Truth, and nothing but the Truth.

So help you God, &c.

An Oath upon a leading Queſtion.

YOU ſhall true Anſwer make to all ſuch Queſtions as by me ſhall be demanded of you.

So help you God, &c.

An Oath to be taken by all Clerks of the Courts of Kings-Bench and Common-Pleas, Clerks of Aſſize, Clerks of the Peace, Town Clerks, Clerks of Sewers, Clerks of the Markets, and others to whom it belongeth to make Returns of Eſtreats into the Exchequer.

4 & 5 Gul. & Mar. c.

YOU ſhall ſwear, That theſe Eſtreats now by you delivered are truly and carefully made up and examined, and that all Fines, Iſſues, Amerciaments, Recognizances, and Forfeitures, which were ſet, loſt, impoſed or forfeited, and in right and due courſe of Law, ought to be eſtreated in the Court of Exchequer are, to the beſt of your knowledge and underſtanding therein contained. And that in the ſame Eſtreats are alſo contained and expreſſed all ſuch Fines as have been paid into the Court, from which the ſaid Eſtreats are made without any wilful or fraudulent Diſcharge, Omiſſion or Defect whatſoever.

So help you God, &c.

Note, Upon the Act of Tunnage, 5 & 6 *W.* & *M.* Every Contributor having an Annuity for one, two or three Lives, his or her Executors, &c. demanding Mony ſhall produce a Certificate of the Life of the Nominee ſigned by the Miniſter and Church-warden of the Pariſh, or make Oath of the Life of the Nominee upon the day of payment before one or more Juſtices of the Peace of the County, Riding, City or Town wherein ſuch perſon at the time

time of the making ſuch Oath ſhall reſide, and the Juſtice ſhall adminiſter the Oath, and make a Certificate thereof without Fee or Reward to be filed in the Office of the Receipt of the Exchequer, &c.

The Penalty of a falſe Oath or forging a Certificate is as in caſe of wilful Perjury and Forgery.

An Oath to be adminiſtred by the next Juſtice of Peace, (Judge, Advocate or his Deputy) to every Officer preſent, at the Tryals of Offenders by Courts Marſhal (where the Offender may be puniſhed by Death) before any Proceeding be had thereupon.

YOU ſhall well and truly try and determine according to your Evidence the Matter now before you, between our Sovereign Lord the King's Majeſty, and the Priſoner to be tryed. 2 *Gul. & Mar. c.*

So help you God, &c.

Officers.

The Nomination of Officers by Juſtices of the Peace.

Devon. ſſ. WE his Majeſty's Juſtices of the Peace of the ſaid County, whoſe Hands and Seals are hereunto ſet, do nominate and appoint *J. K.* of the Townſhip of *H.* in the ſaid County, Bailif, of the Townſhip aforeſaid, and *L. M.* of the ſaid Townſhip, Under-Bailiff of the ſame, commanding each of them to take upon him his reſpective Office aforeſaid untill he ſhall be from thence lawfully diſcharged, and forthwith to repair to one of his Majeſty's Juſtices of the Peace of the County aforeſaid before him to take his Oath for the faithful Execution of the ſaid reſpective Office. Given under our Hands and Seals, &c.

Orchards.

A Warrant againſt Robbers of Orchards.

To the Conſtables and Buſholders of, &c.

43 *Eliz. cap.* 7. 15 *Car.* 2. *cap.* 2. 1 *Juſtice.* 1 *Witneſs or Confeſſion.*

Devon. ff. FOraſmuch as it hath been duly proved before me, That *W. R.* of your Town Butcher, hath within three Months laſt paſt robbed the Orchard or Garden of *S. T.* of your Pariſh, and carried away great quantities of Apples, &c. [as the Caſe is] to the value of 40 *s.* And that *R. G.* of your ſaid Town hath abetted and procured him ſo to do, and received and bought of him divers of the ſame things, to the great damage of the ſaid *S. T.* contrary to the late Act of Parliament in that Caſe made and provided. I do therefore hereby order and require, That the ſaid *W. R.* ſhall within four days after notice to him given of this Order pay the ſaid *S. T.* 15 *s.* and that the ſaid *R. G.* do within four days after notice to him given of this Order pay unto the ſaid *S. T.* 25 *s.* in recompence to him for his Wrongs aforeſaid, and that theſe Payments be made in preſence of the ſaid Conſtable hereby commanded upon requeſt to ſee it done. And hereof you are forthwith to give them notice, and if either of them ſhall not pay the ſame, that then you do give me notice thereof to the end that they may be farther proceeded againſt according to the ſaid Statute. And hereof fail not as you will anſwer the ſame. Given under our Hands and Seals this, &c.

Upon Non-payment to be whipt.

To all Conſtables, &c.

1 *Juſtice.* 1 *Witneſs.* 43 *Eliz. cap.* 7. *To give ſatisfaction or to be whipt.*

Devon. ff. FOraſmuch as it hath been duly proved before me, That *W. R.* of your Town, Butcher, hath within three Months laſt paſt robbed, &c. [as before] made and provided. Wherefore the Premiſſes conſidered, and that I judge the ſaid Offenders *W. R.* and *R. G.* unable

The Officer upon neglect to ſuffer Impriſonment till the Offender be duly puniſhed.

to

to make ſatisfaction for the ſaid Wrong, I do hereby order that they be forthwith committed to the ſaid Conſtable of *H.* to be whipped, the which you are hereby required forthwith to do at your peril. Given under my Hand, &c.

Peace.

A Warrant to find Sureties for the Peace.

To the Conſtable, &c. *and to the Keeper,* &c.

Devon. ſſ. FOraſmuch as *C. D.* of *E.* hath this preſent day taken his Corporal Oath before me, That he is afraid that *J. K.* of, &c. Butcher, will beat, wound, maim, kill him, or burn his Houſe [as the Caſe is] And therewithal prayed Surety of the Peace againſt the ſaid *J. K.* Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable and Burſholder and every of you, that you, ſome or one of you, do cauſe the ſaid *J. K.* to come before me or ſome other of his Majeſty's Juſtices of Peace of the ſaid County to find ſufficient Security, as well for his perſonal appearance at the next General Quarter Seſſions of the Peace to be holden for the ſaid County at *S.* aforeſaid, then and there to do and receive, as by the ſaid Court ſhall be injoyned, as alſo that he will in the mean time keep his Majeſty's Peace towards his ſaid Majeſty and all his Liege People, and eſpecially towards the ſaid *C. D.* and if the ſaid *J. K.* ſhall refuſe ſo to do, that then (without expecting any farther or other Warrant) you, ſome, or one of you, do ſafely convey him to the Gaol aforeſaid, and him there deliver to the ſaid Keeper of the ſame (together with this Precept) commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely to keep until he ſhall find ſuch ſufficient Security as aforeſaid. Hereof fail not at your perils. Given under my Hand and Seal at, &c. 34 *Ed.* 3. *cap.* 1.

Note, *That any of the Cauſes are ſufficient to bind a Perſon to find Sureties for the Peace,* viz. *Lamb.* 9. 3 *Ed.* 1. *c.* 9.

That he is afraid that *J. K.* of, &c. will beat, wound, main, kill him, [or burn his Houſe.] *W.* 1. 1 *R.* 2. *cap.* 4.

That *J. K.* of, &c. hath already aſſaulted, beaten, bruiſed him, and farther hath threatned him in ſuch ſort, that he is 1 *H.* 4. *c.* 1. 2 *H.* 4. *c.* 1. 7 *H.* 4. *c.* 2.

is afraid that the ſaid *J. K.* will beat, wound, maim, kill or do him ſome other bodily harm. And that he is afraid that he will accordingly do ſo.

Where the Warrant is againſt two for the Peace, ſay,

As well for their reſpective perſonal appearance, &c. And that they reſpectively will in the mean time, &c. And if they or either of them, &c. ſhall refuſe ſo to do, &c. Convey them or him ſo refuſing to the Gaol aforeſaid, &c. And them or him ſo conveyed there to deliver, to receive them or him ſo delivered into the ſaid, &c. Gaol, and them or him ſo delivered there ſafely to keep until they or he ſo delivered ſhall find, &c.

Dalt. 440. *Crompt.* 148. *l.* 16. *Note*, If a Man be to find Surety of the Peace or Good Behaviour, he muſt ſhew the Matter in the Warrant, but need not if it touch Treaſon, Felony or Capital Offences, or Conſpiracy, or unlawful Aſſemblies.

A Precept for the Peace.

Lamb. 85, 86. WILLIAM by the Grace of God, &c. To our Sheriff of *H.* the Conſtable of the Hundred of *L.* And to all and ſingular our Bailiffs and other our Miniſters in the ſaid County, as well within Liberties as without, Greeting. Foraſmuch as *C. D.* of *L.* aforeſaid, Taylor, hath perſonally come before *W. R.* of the ſaid Town, Eſq; one of our Juſtices of the Peace within the ſaid County, and hath taken a Corporal Oath, That he is afraid that one *P. T.* of *S.* in the ſaid County Butcher, will beat, maim, wound or kill him [or burn his Houſe] and hath therewithal prayed Surety of the Peace againſt the ſaid *P. T.* Therefore we command and charge you joyntly and ſeverally, that immediately upon the Receipt hereof you cauſe the ſaid *P. T.* to come before the ſaid *W. R.* or ſome other of our ſaid Juſtices, to find ſufficient Surety and Mainpriſe, as well for his Appearance at the next Quarter-Seſſions of our Peace to be holden at *N.* in the ſaid County, as alſo for our Peace to be kept towards us, and all our Liege People and chiefly towards the ſaid *C. D.* that is to ſay, that he the ſaid *P. T.* ſhall not do, nor by any means procure or cauſe to be done any of the ſaid evils, to any of our ſaid People, and eſpecially to the ſaid *C. D.* that is to ſay, *P. T.* ſhall refuſe thus to do, that then immediately without

without expecting any farther Warrant, you him ſafely convey, or cauſe to be ſafely conveyed to our next Priſon in the ſaid County, there to remain until he ſhall willingly do the ſame, ſo that he may be before our ſaid Juſtices at the ſaid next General Seſſions of the Peace to be holden at *S.* aforeſaid, then and there to anſwer unto us for his contempt in this behalf, and ſo that you certifie your doing in the Premiſes to our ſaid Juſtices at the ſaid Seſſions, bringing then thither this Precept with you; Witneſs the ſaid *W. R.* at *L.* aforeſaid, the &c. day of, &c.

Or thus in the Name of the Juſtice himſelf, mutatis mutandis.

Devon. ſſ. W. R. Eſquire, one of the Juſtices of the Peace of our Sovereign Lord the King, within the ſaid County, to the Sheriff, &c. greeting; Foraſmuch as *C. D.* &c. hath perſonally come before me, and hath taken a Corporal Oath, (*ut ſupra*) &c. Theſe are therefore on the behalf, and in the Name of our ſaid Sovereign Lord the King, to command you joyntly, &c. to come before me, or one other of his Majeſty's ſaid Juſtices of the Peace in the ſaid County, &c. Given under, &c.

Or thus.

Quia C. D. *coram me ſacramentum præſtitit corporale, Quod ipſe ſibi metuit dampnum de corpore ſuo per* P. S. *de facili poſſe venire.*

Or thus.

Quod ipſe de vita ſua per P. S. *graviter & manifeſte comminat. eſt.*

Or thus.

Quod ipſe metuit de vita ſua ſive de mutilatione membrorum ſuorum ſive de incendiis domorum ſuarum per P. S. *&c.*

A Warrant to find Sureties for the Peace where an Aſſault is made upon an Officer in diſcharge of his Office.

To the Conſtable, &c. and to the Keeper of, &c.

Devon. ſſ. FOraſmuch as complaint was this day made unto us by *R. S.* Borſhoulder of the Borough of the Town of *G.* in the ſaid County, that *N. O.* of *G.* in the ſaid County, Weaver, and *P. Q.* of *G.* aforeſaid, Tailor, did in the month of *June* laſt paſt at *G.* aforeſaid, within the Borough aforeſaid, aſſault and beat ſeveral Perſons, and the ſaid *R. S.* then Borſhoulder of the Borough aforeſaid, being then and there preſent, did then and there (in his Majeſty's Name) command the ſaid *N. O.* and *P. Q.* to keep his Majeſty's Peace, yet notwithſtanding they did continue in breaking the ſame, in his preſence, and then and there aſſaulted him, and threatned to kill him, all which he hath maintained upon Oath before us, and that he is afraid that the ſaid *N. O.* and *P. Q.* will kill, wound, beat or do him ſome bodily harm, and hath prayed ſecurity of the Peace to be by us granted unto him againſt the ſaid *N. O.* and *P. Q.* Theſe are therefore (in his Majeſty's Name) to command you, ſome or one of you, to bring the ſaid *N. O.* and *P. Q.* before us, ſome or one of us, or ſome other of his Majeſty's Juſtices of the Peace of the ſaid County, to find ſeveral and reſpective ſufficient Security for their ſeveral and reſpective perſonal appearance at the next General Quarter Seſſions of the Peace to be holden for the County at *G.* aforeſaid, then and there to do and receive as by the Court ſhall be enjoyned, and in the mean time to be of Good Behaviour, as well towards our Sovereign Lord the King, as all his Liege People; and in caſe they the ſaid *N. O.* and *P. Q.* or either of them ſhall refuſe ſo to do, that then (without expecting any farther or other Warrant) you do convey him or them ſo refuſing to the Gaol aforeſaid, and them or him to deliver to the Keeper of the ſame (together with this Precept) commanding alſo you the ſaid Keeper (in his Majeſty's Name) to receive them or him ſo delivered unto you into the ſaid Gaol, and them or him there ſafely keep until they or he ſhall give ſuch Security as aforeſaid. Given under our Hands and Seals at, &c.

A

A *Superſedeas* of a Warrant for the Peace.

To all Juſtices of the Peace, Sheriffs, Bailiffs, Conſtables, and other his Majeſty's Officers (to whom it ſhall or may concern) within this County, and to every of them.

Devon. ff. FOraſmuch as *J. K.* of *L.* hath perſonally appeared before me, and hath found two ſufficient Sureties, *viz. C. D.* of *E.* and *F. G.* of *H.* either of them in the Sum of 20 *l.* and the ſaid *J. K.* in 40 *l.* which they have acknowledged before me, by Recognizance to his ſaid Majeſty's uſe, upon condition that the ſaid *J. K.* ſhall appear at the next General Seſſions of the Peace to be holden for this County, and in the mean time to keep the Peace towards his ſaid Majeſty, and all his Liege People, and eſpecially *W. R.* of, &c. Theſe are therefore in his Majeſty's Name) to command and require you, and every of you, that you do forbear and ſurceaſe to arreſt, attach, take, impriſon, or otherwiſe by any means (for the ſaid occaſion) to moleſt the ſaid *J. K.* and if he be, or hereafter ſhall be, for the ſaid occaſion, and for none other taken or impriſoned, that then immediately upon ſight hereof you do cauſe him to be delivered and ſet at liberty without farther delay. Given under, &c.

A *Mittimus* for breaking the Peace.

To the Keeper, &c.

Devon. ff. I ſend you herewithal the Body of *C. D.* whom I charge and require you (in his Majeſty's Name) to take into your ſafe cuſtody for divers Miſdemeanors committed by him againſt his ſaid Majeſty's Peace, until he ſhall procure two ſufficient Sureties to be bound with him in a Recognizance (to his ſaid Majeſty) either of them in the Sum of 20 *l.* and himſelf in 40 *l.* to appear before his ſaid Majeſty's Juſtices of the Peace at the next Seſſions of the Peace to be holden for the County, and in the mean time to be of Good Behaviour towards his ſaid Majeſty, and all their Liege People. Whereof fail not, &c. Given under, &c.

A Releaſe of the Peace.

Devon. ſſ. *Memorandum, Quod nono die* Junii *Anno Regni*, &c. *quinto præfatus* C. D. *venit coram me prædicto* E. F. *& gratis remiſit & relaxavit* (*quantum in ipſo eſt*) *prædictam ſecuritatem pacis, per ipſum verſus infranominatam* Aliciam Simpſon, *coram me petitam, die & anno ſupradictis.*

A Condition to ſave one harmleſs that was a Surety for the keeping the Peace.

THE Condition of this Obligation is ſuch, That whereas the above-named *C. D.* and *E. F.* together with the above-bound *G. H.* and for him, the day of the date hereof, have by Recognizance acknowledged to owe unto our Sovereign Lord the King ten pounds a-piece, that the ſaid *G. H.* ſhall from henceforth for ever keep his Majeſty's Peace againſt one *R. S.* of, &c. as by the ſaid Recognizance entred into and acknowledged as aforeſaid, more at large appeareth. If therefore the ſaid *G.H.* his Heirs, Executors or Adminiſtrators at all times hereafter, and from time to time do clearly acquit, releaſe, diſcharge, ſave harmleſs and indempnified the ſaid *C. D.* and *E. F.* their Executors and Adminiſtrators, and their Lands, Tenements, Goods, and every of them, as well againſt our Sovereign Lord the King Majeſty, his Heirs, Succeſſors, Officers and Aſſigns, as againſt all and every other Perſon and Perſons of or concerning the ſaid Sums of, &c. and every part and parcel thereof, and alſo of the ſaid Recognizance, and all Coſts, Loſſes, Damages and Troubles, Suits, Extents, Judgments and Executions concerning the ſame; that then this Obligation to be void and of none effect, or elſe to ſtand and remain in full force and virtue.

A Condition to appear at Seſſions and keep the Peace.

THE Condition of this Recognizance is ſuch, That if the within bounden *C. D.* ſhall perſonally appear before the Juſtices of our ſaid Sovereign Lord the King at the next General Seſſions of the Peace to be holden in the ſaid County of *Devon* at, &c. in the ſaid County, to do and receive that which by the Court ſhall be then and there enjoyn'd him, and that he in the mean time do keep the Peace of our Sovereign Lord the King, towards the Kings Majeſty, and all their Liege People, and eſpecially towards *L. M.* of *O.* aforeſaid Taylor, then this Recognizance to be void, or elſe to ſtand in full force and virtue.

Plague.

A Paſs or Certificate in the time of Plague.

To the Conſtables, &c. and other his Majeſty's Officers within the ſaid County, to whom theſe Preſents ſhall come reſpectively.

Devon ſſ. WHereas *J. H.* of *K.* having occaſion to go unto *M.* and ſeveral other Places in the ſaid County, to diſpatch Buſineſs in which he is employed, hath this day deſired a Paſs from us, that he may go and return without moleſtation or interruption. Theſe are therefore to certifie all whom theſe Preſents may concern, that the Pariſh of *K.* aforeſaid is free from the Infection of the Plague, and alſo to will and require you and every of you to permit and ſuffer the ſaid *J. H.* peaceably and quietly to go into and return from *M.* aforeſaid, and ſuch other Places as the ſaid *J. H.* ſhall go unto by reaſon of his Buſineſs aforeſaid; The ſaid *J. H.* in his Paſſage to and from the Places aforeſaid, demeaning himſelf civilly, without diſturbing or interrupting the King Majeſtys Peace. Given under our Hands and Seals, &c. 1 *Jac.* 31.

The Oath of the Searchers for the Plague.

YOU ſhall ſwear, That you carefully ſearch, enquire and examine all ſuch Perſons as ſhall die within the Pariſh of *F.* and you ſhall truly publiſh and declare whether any ſuch Perſons do die of the contageous Sickneſs of the Plague, either by any ſign that ſhall appear by the Tokens, Riſing Sores, or otherwiſe, without any conniving in any manner whatſoever, to the utmoſt of your Judgment, Underſtanding and Knowledge, or of what other Diſeaſe they ſhall die.

So help you God, &c.

The Bearers Oath.

YOU ſhall well and truly ſerve in the place of a Bearer, at the viſited Houſe or Houſes where you ſhall be employed or appointed; you ſhall not purloin or carry away any Goods whatſoever forth of the ſaid Houſe or Houſes, and that you have a ſpecial care not to come into any Company, but continually to remain in ſuch a place as ſhall be appointed for you, excepting ſuch times as you are employed in your ſaid Office of a Bearer, and in every other thing that belongeth to that Place, you ſhall accordingly as you ſhall be directed by the Officers, well and faithfully behave your ſelf.

So help you God, &c.

The Examiners Oath.

YOU ſhall well and truly execute the Office of Examiners for Health within the Pariſh of *G.* You ſhall truly enquire and learn from time to time what Houſes within the ſaid Pariſh be viſited, and what Perſons be ſick, and of what Diſeaſes as near as you can inform your ſelves, and upon doubt in that caſe you ſhall command reſtraint of acceſs, until it ſhall appear what the Diſeaſes ſhall prove, and if you ſhall find any ſick Perſon of the Infection, you ſhall give preſent Order to the Conſtable that the Houſe be forthwith ſhut up; and if you find the Conſtable remiſs

miſs or negligent therein, then to acquaint ſome Juſtice of the Peace within the Liberty or County therewith: You ſhall ſee the viſited Perſons and their Attendants weekly paid, and in every other thing belonging to your Office, according to the Statute, and the Book of Orders ſet forth by his Majeſty and his Privy Council, for the better ordering of viſited Houſes, you ſhall well and faithfully behave your ſelf. 1 *Jac.* 1. *cap.* 31.

So help you God, &c.

A Juſtice may (as he thinks fit) appoint Searchers, Watchmen, Examiners, Keepers and Buriers for Perſons and Places infected with the Plague, give them their Oaths for performance of their Offices, and other Directions as to his diſcretion ſhall ſeem good, 1 *Jac.* 1. *cap.* 31. *Crompton* 122. *Dalt. cap.*6. *p.*22. and 145. *cap.*72. *Lamb.*197.

A Warrant to ſhut up a Houſe which is infected, and to take care for their preſent Maintenance.

To the Conſtables, &c. *and to the Church-wardens and Overſeers of the Poor*, &c.

WHereas we are credibly informed, that the Plague is in the Houſe of *C. D.* whereof one died, and that divers of the Inhabitants of your ſaid Pariſh have reſorted to the ſaid Houſe, both before and after the ſaid Party was dead, and eſpecially *G. H. J. K.* and *L. M.* in the Houſe of *N. O.* by reaſon whereof it is feared that they are Sick, and ſo by reaſon thereof the Sickneſs is like to encreaſe and ſpread farther in the Town, unleſs there be ſpeedy proviſion made for the preventing thereof. Theſe are therefore (in his Majeſty's Name) to charge and command you, that forthwith you cauſe the ſaid Houſe ſo infected to be ſhut up, and that you appoint a Warder at the Door to keep them from coming forth, and others from going to them; and that you the Church-wardens and Overſeers of the Poor be careful that the Parties ſhut up be ſufficiently provided for, for their preſent Relief and Suſtenance; and farther that you cauſe the ſaid *N. O.* and his Family to keep themſelves within their own Doors, and in the mean time he forbear to victual, or 1 *Jac.*1.31. *confirmed by* 3 *Car.*1. *cap.* 5. *Dalt.* 145. *cap.* 72. *Lamb.* 337

let any come in to his Houſe till he hath farther order, and of your farther care and diligence herein, we do expect a continual account that we may give farther directions as occaſion ſhall require; and we farther order and adviſe the Pariſhioners that they be very careful not to mingle themſelves with thoſe that have been of the ſame infected Houſe; and of this our Warrant we require you to give ſpecial notice, hereof fail not at your perils. Given under our Hands and Seals, &c.

1 *Jac.* 1. *cap.* 31. 39 *El.* c. 4. *Co. Inſt.* 3 *p. p.* 90.

If any Perſon go abroad after reſtraint, having any Infectious Sore upon him uncured, its Felony; if he hath no Sore upon him he is to be puniſhed as a Vagabond, and bound to the Good Behaviour for a year.

A Warrant to make a Rate for the Relief of Perſons infected.

To the Church-wardens and Overſeers of the Poor of the Pariſh of, &c.

1 *Jac.* 1. *cap.* 31. 2 *Juſtices.*

Devon. ſſ. FOraſmuch as Information hath been given unto us by Certificate, that the Pariſh of *W.* within this County is infected with the Plague, and do find themſelves unable to relieve the poor infected Perſons, and therefore have need of relief from the adjacent Places, five Miles about, according to the Statute in that behalf provided. Theſe are therefore (in his Majeſty's Name) to command you and every of you to come before us on the tenth day of *July* next at nine of the Clock in the Forenoon at, &c. in *P.* &c. and bring with you your Church-Books of Rates for the Poor, to the end that an equal Weekly Rate and Aſſeſsment may be made for the purpoſes aforeſaid. Hereof fail not at your perils. Given under, &c.

A Weekly Rate made the 10*th* day of *June*, &c. by *W. R.* and *J. K.* Eſquires, two of his Majeſty's Juſtices of the Peace, with the Aſſiſtance of the Church-wardens and Overſeers of the Poor of the Pariſhes within five Miles compaſs of the Pariſh of *C.* at this time infected with the Plague, to be paid by the Inhabitants of the ſame Pariſhes weekly for their relief, during the time of the Infection, according to the Statute in that behalf provided.

The

The Inhabitants of the Pariſh of *G.* to pay Weekly (*viz.*)

	s.	*d.*
E. F.	01	06
G. H.	00	10
J. K.	00	08

A Warrant to levy the Weekly Relief.

To the, &c.

Devon. ff. FOraſmuch as there being a Rate or Aſſeſſment made for your Pariſh of *P.* (annexed to this Warrant) for the Relief of the Inhabitants of the Pariſh of *B.* in this County, at preſent infected with the Plague, according to the Statute in that behalf made and provided. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do forthwith levy and collect the ſeveral and reſpective Sums of Mony of the Perſons therein reſpectively named, by diſtreſs and ſale of the Goods of the Offenders, rendring to the Parties the overplus (if any be) and the ſame Mony ſo by you received, to be paid to the Overſeers of the Poor of the ſaid Pariſh of *B.* and give in the ſame upon your Account at the end of the year. Given under our Hands and Seals, &c. 1 *Jac. c.* 31. 2 *Juſtices.*

Note, Upon non-payment to be committed till paid, and Arrears thereof.

Poor.

A Warrant for the Overſeers of the Poor to account and name other fit perſons for the year enſuing.

To the Conſtable, &c.

Devon. ff. THeſe are in his Majeſty's Name to command you to give Notice to the Churchwardens and others the Overſeers of the Poor of *C.* that they are by us required perſonally to appear before us at the Houſe of *J. K.* in *L.* &c. on *Tueſday* the Fifteenth day of *Auguſt*, at eight of the Clock in the Forenoon of the ſame day, to make and yield up unto us a true and perfect Account in Writing of all Sums of Mony by them received, or rated and aſſeſſed and not received for and towards the Relief of the Poor of *M.* and alſo of ſuch Stock (to ſet the Poor on work) as is in their Hands or in the Hands of any of them, and of all other things concerning the ſaid Office. An that hereof they fail not at their perils And you are farther hereby commanded to ſignifie unto them that they do then and there alſo certifie unto us the Names of ſuch other Houſholders of *C.* as are thought meet to be Overſeers of the Poor there for the year enſuing. Fail not at your perils. Given under our Hands and Seals, &c.

Dalt. 147, 153.

Lamb. 369 43 *Eliz. cap.* 2. *Note*, If there be no Nomination of Overſeers of the Poor yearly, every Juſtice dwelling within the Diviſion ſhall forfeit to the Poor 5 *l.*

A Warrant to appoint new Overſeers, and to impower them to make Proviſion for the Poor during a year.

To E. F. *and* G. H. *Overſeers of the Poor of the Pariſh of*, &c.

43 *El. c.* 2. 2 *Juſtices.* *Lamb.* 295 *Devon. ff.* BY virtue of a Statute made in the 43d year of Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor*, &c. We do appoint you whoſe Names are above written, Overſeers of the Poor within the ſaid

ſaid Pariſh for one year. And theſe are in his Majeſty's Name to require you, that according to the ſaid Statute you take Order from time to time for this year to come, for the ſetting to work the Poor within your Pariſh, and to make a Rate of the Inhabitants of the ſame from time to time by a Months Aſſeſsment, for the raiſing of a convenient Stock of ſome Ware or Stuff in your Pariſh for the providing of neceſſary Relief for ſuch as be lame and impotent among you, and for the placing as Apprentices ſuch Children, whoſe Parents are not able to maintain them. And for the better effecting hereof, you the ſaid Overſeers, together with the Church-wardens, are hereby required to aſſemble and meet together once every Month, and take Order in the Premiſſes, and if any of your Pariſh do refuſe to pay ſuch Sum and Sums of Mony as are rated and aſſeſſed upon them, from time to time for the uſes aforeſaid, according to the ſaid Statute, or any former Aſſeſsment now in Arrears and uncollected; then you are hereby authorized to levy the ſame by Diſtreſs and Sale of the Refuſers Goods, rendring the Overplus (if any be) to the Owners thereof, the ſaid Aſſeſsment having been firſt allowed under the Hands of two Juſtices of the Peace for the ſaid County. Fail not herein at your perils. Given under our Hands and Seals at, &c.

A Warrant to provide a Stock to ſet the Poor at Work, and to provide Relief for them.

To the, &c.

Devon. ſſ. WHereas by an Act of Parliament made in the 43*d* year of the Reign of the late Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor*. Theſe are to will and require you, whoſe Names are here under written, that you together with the Church-wardens of your Pariſh for the time being do, according to the ſame Statute, take Order from time to time, for this year to come, for the ſetting to work all the Poor within your Pariſh (as well married as unmarried) that are able to work, and have no Means to maintain themſelves, nor uſe no ordinary and daily Trade of Life to get their Living by. And alſo for the placing out, as Apprentices, all ſuch Children within your ſaid Pariſhes as are fit to be put forth, whoſe Parents are not able to keep and maintain them; and alſo for the raiſing of a convenient Stock of 43 *El. c.* 2.

of Flax, Hemp, Wool, Thread, Iron and other neceſſary Wares and Stuffs in your ſaid Pariſh for that purpoſe. And alſo for the providing of neceſſary Relief for all ſuch Poor within your ſaid Pariſh as are Lame, Old, Blind, Impotent and unable to work, wherein, if you be found negligent, or ſhall meet once a Month to confer together for the purpoſe aforeſaid, then you are to forfeit 20 *s.* a-piece for every Month you ſhall be found remiſs or careleſs therein. And therefore ſee that you fail not in the Premiſſes at your Perils. Dated the 12th day of *June*, &c.

A Warrant to appoint new Overſeers of the Poor to take their Charge.

Devon. ſſ. WE whoſe Names are hereunto ſubſcribed, Juſtices of the Peace for the County of *D.* do approve and appoint *C. D.* and *E. T.* of, &c. to be new Overſeers of the Poor of the ſaid Pariſh for the ſpace of one whole year next enſuing the Date hereof, commanding them together with the Church-wardens to provide for the ſaid Poor (according to the form of the Statute in ſuch Caſe made and provided.) Given under our Hands and Seals, &c.

J. K. L. M. &c.

When the Overſeers Books are paſſed, you write in their Books at the foot of the Accompt.

If Mony due to the Old Overſeers, you ſay,

	l.	*s.*	*d.*	
Due to be paid from the New to the Old Overſeers	12	00	00	&c.

10th of *Auguſt* ſeen and allowed by us

J. K. L. M.

If any Mony due to the New Overſeers, ſay,

	l.	*s.*	*d.*
Remaining in the Old Overſeers Hands to be paid to the new ones.	12	00	00

At the bottom of every Overſeers Warrant put what is due from the one to the other.

A War-

A Warrant to make Overſeers of the Poor impowring them, and the Churchwardens to collect the Poors Tax, and upon Non-payment to diſtrain.

To the, &c.

Devon. ſſ. WHereas by virtue of an Act of Parliament Entituled, *An Act for the Relief of the Poor*, in the 43*d* year of the Reign of the late Queen *Elizabeth*; We whoſe Names are ſubſcribed his Majeſty's Juſtices of the Peace in ſaid County of *D.* and one of us of the *Quorum*, dwelling in or near the Pariſh of *E.* in the ſaid County of *D.* have nominated and appointed *G. H.* and *J. K.* according, to the ſaid Act of Parliament to be Overſeers for the Poor of the ſaid Pariſh; and receiving of the ſeveral Sums of Mony, taxed and aſſeſſed by them on the ſeveral perſons on the 24th day of *May* inſtant. Theſe are therefore according to the ſaid Act of Parliament to authorize you the ſaid Church-warden and Overſeers of the Poor, or any of you to collect and receive all ſuch Sums of Mony as aforeſaid, and the ſame reſpectively to levy of all ſuch perſons as ſhall refuſe to pay the aforeſaid Aſſeſſment by way of Diſtreſs and Sale of their Goods for ſo much, rendring the Overplus, if any be, to the Party or Parties diſtrained; and for default of Diſtreſs we require all Conſtables and other Officers to bring before us or ſome other of his Majeſty's Juſtices of the Peace of this County, the Bodies of all ſuch perſons where no Diſtreſs can be had, that farther courſe may be taken with them according to Law. Dated the, &c. day of, &c. 43 *Eliz. cap.* 2. 2 *Bulſtr.* 353.

The Title of an Aſſeſſment for the Poor.

C. D. in Com. D. AN Aſſeſſment made on the Inhabitants of the Pariſh aforeſaid, for and towards the Relief of the Poor of the ſaid Pariſh for the preſent year enſuing, from the Feaſt of the Annunciation of the Bleſſed Virgin *Mary*, 1693.

C. D. Churchwarden.

E. F. } Overſeers.
G. H. }

A Con-

A Confirmation by the Inhabitants.

WE whoſe Names are hereunto ſubſcribed, being the ancient Inhabitants of the Liberty aforeſaid, have ſeen this Book and peruſed the ſame; and the ſame is by us Rated upon the Inhabitants aforeſaid, according to the beſt of our Judgments. Witneſs our Hands the, &c. day of, &c. *Annoq; Domini*, 1695.

C. D. *L. M.*
E. F. *N. O.*
G. H. *P. Q.*
I. K. *R. S.*

A Confirmation of the Rates for the Poor by the Juſtices, &c.

Devon. ſſ. SEEN, ratified and allowed by us whoſe Names are here under written two of his Majeſty's Juſtices of the Peace within the County aforeſaid, And we do hereby authorize the preſent Church-wardens and Overſeers for the Poor within the Pariſh of *C.* and every of them, to levy by way of Diſtreſs and Sale of the Goods of all ſuch perſons as ſhall refuſe or neglect to pay the ſeveral Taxations aforeſaid, upon them impoſed, rendring to the Owners the Overplus which ſhall remain upon the ſaid Sale acording to the Statute in that Caſe made and provided. Given under our Hand and Seals, &c.

A Confirmation of the Poors Rates at a General Quarter Seſſions upon Complaint of the Inhabitants.

2 *Juſtices.* WE whoſe Names are here under ſubſcribed, two of his Majeſty's Juſtices of the Peace for the County of *D.* and both of the *Quorum*, being appointed at a General Quarter Seſſions of the Peace held at *N.* in the County aforeſaid, this 20*th* day of *April*, 1693. to hear and examine the Differences betwixt the Pariſhioners of the Pariſh of *C.* in the County aforeſaid, and the Overſeers of the Poor of the ſaid Pariſh in reference to a Rate made whereby ſome did urge that they were over-rated, and upon

on Examination of the ſaid Matters, we do find the ſaid Rate complained of, is the ſame that was formerly made two years laſt paſt. And we do thereupon according to the Statute in that behalf made, confirm the ſaid Rate in reſpect that the Complainants are fully ſatisfied with the ſame as the Churchwardens and Overſeers do affirm.

C. D.
E. F.

A Warrant to levy the Arrears due to the Pariſh from the former Overſeers Accompt by Diſtreſs.

To the Church-wardens and other the Overſeers of the Poor of the Pariſh of C. *in the ſaid County, and to every of them.*

Devon. ff. FOraſmuch as (upon your Complaint) it appeareth unto us, That *C. D.* and *E. F.* Churchwardens of the Pariſh aforeſaid, and *G. H.* and *J. K.* Overſeers of the Poor of the ſaid Pariſh in the year of our Lord 1690. upon their Account by them made, and yielded of and for the Monies by them received and diſburſed for and in Execution of their ſaid Office, according to the form of the Statute in that caſe made and provided, were in arrear and behind to the ſaid Pariſh 10 *l.* and have not yet paid the ſame over to you. Theſe are therefore in his Majeſty's Name, to command you, that you, ſome or one of you, do levy the ſaid 10 *l.* by Diſtreſs and Sale of the Goods of the ſaid *C. D. E. F. G. H.* and *I. K.* rendring to them the Overplus, and in default of ſuch Diſtreſs, that then you do forthwith certifie the ſame unto us, to the end that we may farther do therein as to Juſtice doth appertain. Hereof fail not. Given under our Hands and Seals this, &c. day of, &c.

43 *Eliz. cap.* 2. 2 *Juſtices*, 1 *Quorum. Dalt.* 154.

Note, Refuſing to accompt to be committed to Gaol.

A War-

A Warrant to levy 5 *l.* on an Overſeer of the Poor for not keeping of Monthly Meetings.

To the Churchwardens and Overſeers, &c.

43 *Eliz. cap.* 2. 2 *Juſtices*, 1 *Quorum.* 2 *Bulſtr.* 345, &c. 358. *To meet Monthly on Sunday Evening or forfeit* 20 s. *for each default, allowing a juſt excuſe.*

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That *C. D.* one of the Overſeers for the Poor of the Pariſh aforeſaid for the year of our Lord, 1690. did for the ſpace of, &c. within the ſaid year, abſent himſelf from ſuch Monthly Meetings as by the Duty of his aforeſaid Office, he was by the Statute in that behalf made injoyned, contrary to the Statute aforeſaid, whereby he hath forfeited 5 *l.* for his abſence aforeſaid. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you, do levy the aforeſaid 5 *l.* by Diſtreſs and Sale of the Goods and Chattels of the ſaid *C. D.* and the ſame to employ and diſpoſe of to the uſe of the Poor of the ſaid Pariſh, and ſuch other Uſes as by the Statute is appointed. And in Caſe of default of ſuch Diſtreſs do you certifie the ſame to us, to the end that there may be ſuch farther Proceedings touching the Premiſſes, as by Law is required. Given under our Hands and Seals, &c.

A Warrant to diſtrain for the Poors Tax.

To the Church-wardens, &c.

43 *Eliz. cap.* 2. *Lamb.* 292 293. 2 *Juſtices*, 1 *Quorum.*

Devon. ſſ. FOraſmuch as Complaint hath been made by you unto us, That the ſeveral perſons hereunder named have refuſed to pay unto you the ſeveral Sums of Mony adjoyning to their ſeveral Names, being aſſeſſed upon them ſeverally for and towards the neceſſary Relief of the Poor of the ſaid Pariſh according to the form of the Statute in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do forthwith levy the ſaid ſeveral and reſpective Sums of Mony by Diſtreſs and Sale of the ſeveral and reſpective Goods of the ſaid ſeveral and reſpective Offenders, rendring to the Parties the Overplus. And in defect of ſuch Diſtreſs, that then you, ſome or one

one of you, do certifie the ſame unto us, to the end that there may be ſuch farther Proceeding touching the Premiſſes as to Juſtice doth appertain. Given under our Hands and Seals, &c.

	l.	*s.*	*d.*
E. F. ———	00	02	06
G. H. ———	00	01	05

Note, All things that are real, and a yearly Revenue, muſt be taxed to the Poor, *Dalt.* 165.

The Cauſe of Taxes are three. 1. To ſet the Poor a Stock. 2. To relieve the impotent by Mony. 3. To put out Apprentices, *Dalt.* 150.

A *Mittimus* where there is not ſufficient to diſtrain.

To the Keeper, &c.

Devon. ſſ. FOraſmuch as it appeareth unto us, That *E. F.* of, &c. was aſſeſſed and rated at the Sum of, &c. for and towards the neceſſary Relief of the Poor of the ſaid Pariſh, (according to the form of the Statute in that Caſe made and provided) and that for his Refuſal of Payment of the ſame a Warrant was according to the form of the ſaid Statute, directed to the Church-wardens and other the Overſeers of the Poor of the Pariſh aforeſaid under the Hands and Seals of *J. K. L. M.* &c. his Majeſty's Juſtices of the Peace of the County aforeſaid; and for that it now appeareth unto us, that the ſaid *E. F.* hath no Goods or Chattles by Diſtreſs and Sale whereof the ſaid Monies can be levyed, nor will he yet pay the Monies aforeſaid. We therefore do ſend you herewithal the Body of the ſaid *E. F.* commanding you to receive him into the ſaid Gaol, there to remain, without Bail or Mainpriſe, until he ſhall pay the Monies aforeſaid. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

A Warrant to the Overſeers of the Poor to pay Arrears, and continue weekly Relief to poor perſons.

To the Churchwardens and Overſeers of the Poor for the Pariſh of C. *and to every of them.*

43 El. c. 2. *Devon. ſſ.* WHereas Complaint hath been made unto me by *E. F.* of your ſaid Town, That *G. H.* and *J. K.* the now Overſeers of the Poor of your ſaid Pariſh formerly paid unto the ſaid *E. F.* the Sum of 1 *s.* 8 *d. per* Week for and towards the Maintainance of her ſelf and Children, and that you do now ſuſpend the payment thereof, whereby the ſaid *E. F.* is utterly diſabled to provide for her ſelf and Children. Theſe are therefore in his Majeſty's Name to charge and command you the ſaid Overſeers that preſently upon ſight hereof, you or ſome of you pay unto the ſaid *E. F.* all ſuch Arrears as are accrued ſince your forbearing the payment of it, and that you continue to her the former Allowance of 1 *s.* 8 *d.* for the future, or forthwith to ſhew Cauſe why ye refuſe to make the ſame. And hereof fail not, &c.

A Warrant to levy Relief for the Poor.

To the Churchwardens and Overſeers, &c.

Devon. ſſ. WHereas Complaint hath been made unto me, That *A. B.* of your ſaid Town, who is a very poor Woman, is now very ſick and weak, and is utterly diſabled to provide for her ſelf, or her Children, ſo that all of them are in danger of periſhing for want of Suſtenance. Theſe are therefore in his Majeſty's Name ſtraitly to charge and command you, and every of you, that immediately upon ſight hereof, you or ſome of you do by a general Aſſeſſment levy throughout the whole Town or otherwiſe make ſuch an Allowance to the ſaid *A. B.* as may be convenient for and towards the Relief of her ſelf and Children; or forthwith ſhew Cauſe if you can, why you refuſe to make the ſame. And hereof, &c.

A Con-

A Condition to the Churchwardens and Overſeers of the Poor to ſave a Pariſh harmleſs upon inhabiting there.

THE Condition of this Obligation is ſuch, That whereas one *A. B.* Weaver, is now lately come to inhabit and dwell within the ſaid Pariſh of *C.* and likely to become chargeable to the ſame; If therefore the ſaid *E. F.* and *G. H.* or either of them, their or either of their Heirs, Executors, Adminiſtrators or Aſſigns, or every or any of them do, and ſhall from time to time, and all times hereafter fully and clearly acquit, diſcharge, ſave harmleſs and indempnifie as well the within named *G. H.* and *J. K.* Churchwardens of the Pariſh Church of *C.* aforeſaid, and the now Overſeers of the Poor of the ſaid Pariſh and their Succeſſors, as alſo all the Inhabitants and Pariſhioners of the ſaid Pariſh, which now are, or at any time hereafter ſhall be there reſident, and every of them, of and from all and all manner of Coſts, Charges, Payments, Taxes and Expences whatſoever, which ſhall or may at any time hereafter in any manner of wiſe ariſe, happen, come, grow due, or be impoſed upon them or any of them, for or by reaſon or means of the ſaid *A. B.* his Wife, or Children, or any of them, their or any of their, &c. reſiding, living or inhabiting in the ſaid Pariſh of *C.* and of and from all Troubles, Charges and Demands whatſoever concerning the ſame; that then this Obligation to be void, or elſe to remain in full force.

Sealed and delivered, &c.

Note, The Statute of 13 & 14 *Car.* 2. *cap.* 12. revived by 1 *Jac.* 2. 17. and Enacted, That foraſmuch as poor perſons at their firſt coming to a Pariſh do commonly conceal themſelves, the forty days (intended by the Act of 13 & 14 *Car.* 2.) to make it a Settlement ſhall be accounted from the time of their deliveries of Notice in Writing of their Houſes of Abode, and the Number of their Family (if they have any) to one of the Church-wardens or Overſeers of the Poor of the ſaid Pariſh to which they remove.

A Warrant to warn one to depart out of a Pariſh, he not having given Notice within forty days of the place of his Habitation, &c. or to give ſufficient Security to indemnifie the Pariſh, and upon Refuſal to be apprehended.

To the Conſtable, &c.

1 *Jac.* 2. *cap.* 17. 2 *Juſtices,* 1 *Quorum.*

Devon. ſſ. WHereas Complaint hath been made unto us by the Churchwardens or Overſeers of the Poor of the Pariſh of *W.* in the County aforeſaid, That *C. D.* in *June* laſt was legally ſetled as a Native, Houſholder, Sojourner, Apprentice or Servant [as the Caſe is] in the Pariſh of *F.* in the ſaid County, is now come into the ſaid Pariſh of *W.* indeavouring to ſettle himſelf as an Inhabitant thereof, and doth not rent the value of 10 *l. per annum* there, nor hath within forty days laſt paſt given or delivered to the Churchwardens or Overſeers of the Poor of the ſaid Pariſh any Notice in Writing of the Houſe of his abode, and the Number of his Family; but is likely to become chargeable to the ſaid Pariſh contrary to the forms of the Statutes in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you do warn the ſaid *C. D.* forthwith to depart out of and from the ſaid Pariſh of *W.* to the place of his laſt Abode and Settlement, or otherwiſe to give ſufficient Security to be allowed by us not to be chargeable to the ſaid Pariſh; and if he ſhall refuſe or neglect ſo to do, that then you forthwith apprehend and bring the ſaid *C. D.* before us or ſome others of his Majeſty's Juſtices of the Peace for this County, to ſhew good Cauſe to the contrary, or to be proceeded againſt according to Law. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

A War-

A Warrant, upon not obtaining the preceding Warrant, to remove one to the place of his laſt Settlement, and to require the Church-wardens, &c. there to provide for him.

To the Churchwardens and Overſeers of the Poor of the Pariſh of P. *in the County of* Devon. *and to the Church-wardens and Overſeers of the Poor of the Pariſh of* Q. *in the County aforeſaid, and to all and every of them.*

Devon. ff. WHereas Complaint hath been made unto us by the Church-wardens [or Overſeers of the Poor] of the ſaid Pariſh of *P.* That *R. S.* who was legally ſettled as a Native, Houſholder, Sojourner or Servant [as the Caſe is] in the Pariſh of *Q.* in the County aforeſaid, is now come into the ſaid Pariſh of *P.* endeavouring to ſettle himſelf as an Inhabitant thereof, and doth not rent the Value of 10 *l. per annum* there, nor hath within forty days laſt paſt given or delivered either to the Church-wardens or Overſeers of the Poor of the ſaid Pariſh, any Notice in Writing of the Houſe of his Abode, and the Number of his Family, but is likely to become chargeable to the ſaid Pariſh contrary to the form of the Statute in that Caſe made and provided. And being required by a Warrant under the Hands and Seals of two of his Majeſty's Juſtices of the Peace for the ſaid County to depart out of and from the ſaid Pariſh of *P.* or otherwiſe to give ſufficient Security not to become chargeable to the ſaid Pariſh, or ſhewed good Cauſe to the contrary, hath refuſed or neglected ſo to do. Theſe are therefore in his Majeſty's Name to charge and command you, that you, ſome or one of you do forthwith remove and convey the ſaid *R. S.* from the ſaid Pariſh of *P.* unto the ſaid Pariſh of *Q.* the ſame being as we are credibly informed, the place of his legal Settlement, and to deliver him to the Church-wardens and Overſeers of the Poor there, or to ſome, or one of them (together with this Precept, or a true Copy thereof) who are hereby required to receive and provide for him as a ſettled Inhabitant there according to Law. Given under our Hands and Seals, &c.

13 & 14 *Car.* 2. *cap.* 12. *revived.* 1 *Jac.* 2. *cap.* 17. 2 *Juſtices*, 1 *Querent.*

A Warrant to apprehend one for returning into the Pariſh, from whence he was removed.

To the Church-wardens, &c. (as before.)

Devon. ſſ. WHereas *C. D.* in *June* laſt being legally ſetled as Native, Houſholder, Sojourner, Apprentice or Servant [as the Caſe is] in the Pariſh of *L.* in the County aforeſaid, came in the Pariſh of *M.* to ſettle in a Tenement there under the yearly Value of 10 *l.* not having within forty days laſt paſt given or delivered either to the Church-wardens or Overſeers of the Poor of the ſaid Pariſh of *M.* any Notice in Writing of the Houſe of his Abode, and the Number of his Family, and is likely to be chargeable to the Pariſh, was upon Complaint thereof made by the Church-wardens and Overſeers of the Poor of the ſaid Pariſh, according to the Form of the Statute in that Caſe made and provided by Warrant to the ſaid Church-wardens and Overſeers of the Poor directed, by them removed and conveyed to the ſaid Pariſh of *L.* there to remain, according to the ſaid Statute; ſince which the ſaid *C D.* did return of his own accord to the ſaid Pariſh of *M.* from whence he was ſo removed. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you, do cauſe the ſaid *C. D.* to come before us, ſome or one of us at the Houſe of *W. R.* Innholder, called the *Bull Inn* in *P.* in the ſaid County, the tenth day of *September* now next enſuing, at ten of the Clock in the Forenoon of the ſame day, to ſhew cauſe why he returned to the ſaid Pariſh of *M.* and farther to do and receive as to Juſtice doth appertain. Hereof fail not at your perils. Given under our Hands and Seals, &c.

A *Mit-*

A *Mittimus* against one that returneth into a Parish after he was removed.

To the Constable, &c. and to the Keeper of his Majesty's Gaol for the said County at L. &c.

Devon. ss. WHereas upon Complaint according to the form of the Satute in that behalf lately made, That *C. D.* an Inhabitant, [Native, Housholder, Sojourner, Apprentice or Servant] last legally setled in *N.* came into the Parish of *R.* in the County aforesaid (*b*) to work, and was not returned, and thereupon the Churchwardens and Overseers of the Poor of the said Parish did, according to the Statute aforesaid, convey the said *C. D.* to the Parish of *N.* aforesaid there to remain an Inhabitant as formerly he was; after which said conveying the said *C. D.* did return of his own accord to the aforesaid Parish of *R.* from whence he was removed. These are therefore in his Majesty's Name to require you the said Constable and Borsholders, and every of you, that you, some or one of you do take said *C. D.* and him convey to the aforesaid House of Correction, and there deliver him to the aforesaid Keeper of the same, (together with this Precept) requiring also you the Keeper to receive him into the said House, and there punish him as a Vagabond. Hereof fail not at your perils. Given under my Hand and Seal the, &c.

13 & 14 *Car.* 2. *cap.* 12.

(*b*) *To work if the Case be so, otherwise leave these words out. To settle in a Tenement there under the yearly value of* 10*l. not having given notice within* 40 *days*, &c.

A Warrant to send a Wife and Child to her Husband in the Parish from whence she came.

To the Churchwardens and Overseers of the Poor of the Parish of, &c.

Devon. ss. FOrasmuch as Complaint hath been by you made unto us, That *S.* the Wife of *L. M.* (an Inhabitant in the Parish of *N.* in the County aforesaid) is lately come into your said Parish of *P.* and hath brought with her thither a Male Child of the said *L.*

13 & 14 *Car.* 2. *cap.* 12.

2 *Justices.*

and *S.* of the Age of, &c. or thereabouts, and that both the ſaid *S.* and Child are likely to become chargeable to your ſaid Pariſh, and you have thereupon craved from us ſuch Relief touching the Premiſſes, as by Law is appointed. Theſe are therefore in his Majeſty's Name to authorize and require you, that you, ſome or one you do convey the ſaid *S.* and Child to the ſaid Pariſh of *N.* and there to deliver them to the ſaid *L.* in Caſe you there find him, to be with him ſetled according to Law. And in caſe that you cannot there find him then to deliver the ſaid *S.* and Child to the Overſeers of the Poor of the ſaid Pariſh of *N.* to be diſpoſed of according to Law. Given under our Hands and Seals the, &c.

A *Mittimus* to the Houſe of Correction of one that refuſeth to be removed after his Work finiſhed.

To the Conſtables and Borſholders of, &c. *and to the Keeper of the Houſe of Correction*, &c.

Devon. ſſ. WHereas upon Complaint according to the Form of the Statute in that behalf lately made, that *C. D.* an Inhabitant in *E.* came into the Pariſh of *G.* in the ſaid County to work, and was not returned upon his finiſhing thereof. And thereupon the Church-wardens and Overſeers of the Poor of the ſaid Pariſh were according to the Statute aforeſaid, required and authorized to convey the ſaid *C. D.* to *E.* aforeſaid, there to remain an Inhabitant as formerly he was; nevertheleſs the ſaid *C. D.* though lawfully required, refuſed to go thither. Theſe are therefore in his Majeſty's Name to require you the ſaid Conſtables and Burſholders and every of you, that you, ſome or one of you, do take the ſaid *C. D.* and him convey to the aforeſaid Keeper of the ſame, together with this Precept, requiring alſo you the ſaid Keeper to receive him into the ſaid Houſe, and puniſh him as a Vagabond. Hereof fail not at your peril. Given, &c.

A War-

A Warrant and *Mittimus* for one who runs away and leaves his Family upon the Pariſh.

To the Conſtable, &c. and to the Keeper of his Majeſty's Gaol for the ſaid County at, &c.

Devon. ſſ. FOraſmuch as it hath been duly proved before us, that *E. F.* of the Pariſh of *G.* being able to labour, and thereby relieve himſelf and his Family, did nevertheleſs lately run away out of the ſaid Pariſh, and leave his Fmily upon the Pariſh. Theſe are therefore in his Majeſty's Name to command you the ſaid Conſtable and Borſholders and every of you, that you, ſome or one of you, do take the ſaid *E. F.* and him ſafely to convey to the Gaol aforeſaid, and there deliver him to the ſaid Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the Gaol aforeſaid, and him there ſafely keep until he ſhall be thence delivered by due courſe of Law. Given under our Hands and Seals, &c.

9 Jac. 1. cap. 4. Such perſon is adjudged an incorrigible Rogue. 2 Juſtices of that Diviſion fit to have two Witneſſes upon Oath.

A *Mittimus* on the precedent Warrant.

To the Keeper of the Houſe of Correction, &c.

WE ſend you herewithal the Body of *E. F.* of, &c. for that he did run away and left his Wife and two ſmall Children in the ſaid Pariſh, which are become a Pariſh Charge to the ſaid Pariſh of, &c. ſtraitly charging and commanding you the ſaid Keeper to receive the ſaid *E. F.* into the ſaid Houſe of Correction to be dealt with as an incorrigible Rogue, and him there ſafely keep until he ſhall thence be delivered by Order of Law. Hereof fail not, &c.

Priſoner.

A Warrant to allow a Poor Priſoner Relief.

To R. G. *Gent. Treaſurer for Relief of the Priſoners in his Majeſty's Gaol for the ſaid County at* C. *in the County aforeſaid.*

43 *El. c.* 2. *Devon. ſſ.* WHereas *J. H.* (now Priſoner in the ſaid Gaol) is in very great neceſſity for want of preſent Relief for his Subſiſtence there. Theſe are therefore (ſo far forth as in us lieth) to appoint and authorize you the ſaid Treaſurer to allow unto the ſaid *J. H.* competent Relief (during his Neceſſity) in the ſaid Gaol. Given under our Hands and Seals this, &c. day of, &c. *Anno Dom.* &c.

A Diſcharge of a Priſoner out of Gaol.

To the Gaoler or Keeper, &c.

Devon. ſſ. WE *W. R.* and *S. T.* Eſquires, two of his Majeſty's Juſtices of the Peace for the County aforeſaid, greeting. Foraſmuch as *C. D.* of, &c. Tailor, hath found ſufficient Sureties before us for his perſonal Appearance at the next Quarter Seſſions to be holden at, &c. aforeſaid. Theſe are therefore (in his Majeſty's Name) to require and authorize you, that forthwith upon ſight hereof you diſcharge the Body of *C. D.* aforeſaid, if he be detained for no other cauſe but upon *J. K.* and *W. R.* their Warrant. Given under our Hands and Seals, &c.

Or thus.

To the Gaoler or Keeper, &c.

WHereas *C. D.* being by me committed to your Cuſtody, in your Gaol, till he put in Sureties for the Peace or Good Behaviour (as the caſe requires.) Theſe are therefore, &c. as before.

For

For a Priſoner to be Bailed.

THESE are to charge and require you, that immediately (upon your receipt of this) you bring before me the Body of *C. D.* now in your cuſtody to be bailed, as Law requireth. Given under, &c. 31 *Car.* 2. *cap.* 2.

A Warrant from a Judge to bring a Priſoner from a Gaol to give Evidence.

To the Keeper of his Majeſty's Gaol of, &c.

YOU are hereby required to bring the Body of *J. H.* in ſafe cuſtody to, &c. being the, &c. day of, &c. by two of the Clock in the Afternoon of the ſame day, to teſtifie the truth according to knowledge in a certain Cauſe now depending in the Court of *Common Pleas*, and there to be tried by *Niſi Prius* before the Juſtices of the ſaid Court, between *L. M.* Plaintiff and *N. O.* Defendant, in a Plea of Treſpaſs on the caſe on the part of the Plaintiff, and after his Evidence given to remove him back ſafe to your Gaol. Hereof fail not. Given under my Hand and Seal, &c.

A Petition for a Warrant to be brought before a Juſtice to take the Oath, and have Relief upon the 10 *l.* Act. *See the printed Preſident.*

A Certificate of taking the Oath, to be left with the Priſoners Creditors forty days before the General Quarter Seſſions. *See the printed Preſident.*

Rape.

A Warrant upon a Rape.

To the Conſtables and Borſhoulders of, &c.

3 *Ed.* 1. *cap.* 13. 13 *Ed.* 1. *c.* 34 & 35. *Co.* 3 *Inſt. pag.* 60. *Hob.* 64, 95

Devon. ff. FOraſmuch as we received information and charge againſt *E. F.* of *G.* &c. touching a certain Felony (that is to ſay) with the Carnal Knowledge and Raviſhment of *S.* the Wife of *R. W.* of, &c. Theſe are therefore (in his Majeſty's Name) to command you and every of you, that you, ſome or one of you do attach the Body of the ſaid *E. F.* and bring him before us to the Houſe of, &c. on the fifteenth day of this inſtant *June*, at two of the Clock in the Afternoon, to be examined touching the Premiſſes, and to be farther dealt with according to Law. Hereof fail not at your peril. Given under, &c.

Rates.

Rates for Lodgings, Hay, Oats, &c.

1 *Jac.* 2. *cap.* 10.

NONE of his Majeſty's Servants in their Progreſs ſhall be compelled to pay above ſix pence *per* Night for a Bed for themſelves, nor above three pence for a Bed for their Servants, and where they pay for their Diet, or for Provender for their Horſes, Lodging ſhall be provided for them and their Servants for nothing.

A Warrant to appoint Rates for Lodgings, Hay, Oats, &c. upon his Majesty's passing through any place.

To the Constable and Borsholders of the Hundred of C. *in the said County, and to every of them.*

Devon. ss. WHEREAS we have received notice from the Green-Cloath, that his Majesty will shortly pass through the Road in this County leading between *E.* and *F.* We therefore according to the form of the Statutes in that case made and provided, do set down and appoint the Rates and Prices during his Majesty's Abode within this Division for Lodgings, Hay, Oats and other Accomodations for Horses, as is here under-written (which Rates are to be observed and kept, and obeyed by all Persons concerned, at their perils; And we do will and require you, and every of you, that you, some or one of you do in the Market-Town within the said Hundred on the Market-day next ensuing, cause to be proclaimed the Rates, &c. and also that you do in the like manner cause to be proclaimed the Rates aforesaid in all the Towns and Villages within the said Hundred, within, &c. days now next ensuing, to the end that notice may be taken of the same Rates and Prices. Hereof fail not at your perils. Given under our Hands and Seals, &c.

13 *Car.* 2. *cap.* 8. 2 *Justices.* 1 *Jac.* 2. *cap.* 10.

For a Bushel of Oats, &c.
And so ratable for every greater or lesser quantity, &c.

A Warrant for levying the Penalty forfeited for not observing the Rates aforesaid.

To the Constables and Borsholders, &c.

Devon. ss. FOrasmuch as it hath been duly proved before me, That *C. D.* of *E.* in the said County, Inn-keeper, hath taken of *G. H.* Yeoman of the Guards, more for his Lodging [Horse-meat, Stable-room, or other Accomodation, &c.] during his Majesty's late Abode within this Division, than by the Justices of the Peace of this

13 *Car.* 2. *cap.* 8. 1 *Justice,* 1 *Witness,* 1 *Jac.* 2. *cap.* 10.

this County was (according to the form of the Statute in that caſe made and provided) ſet down and appointed (contrary to the form of the Statute aforeſaid.) Theſe are therefore (in his Majeſty's Name) to will and require you, and every of you, that you, ſome or one of you do levy (to the uſe of the ſaid *G. H.* by diſtreſs and ſale of the Goods and Chattels of the ſaid *C. D.*) 40 *s.* by him forfeited to the ſaid *G. H.* for the Offence aforeſaid, returning the overplus to the ſaid *C. D.* (the charge of diſtraining being firſt deducted.) Hereof fail not at your perils. Given under my Hand and Seal, &c.

See the 1 part, *Rates of Water Carriage upon the River of Thames.*

Recognizances.

A ſingle Recognizance taken before a Juſtice of the Peace.

D. ff. *Memorandum, Quod primo die* Martii *Anno Regni Domini noſtri* Willielmi *tertii, Dei Gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Regis Fidei Defenſoris*, &c. *prim. venerunt coram* A. B. & C. D. *Armig. Juſt. dict. Dom. Regis ad pacem in Com.* E. *conſervand. aſſign.* F. G. *de* H. *in Com. præd.* Tailor, & J. K. *de eodem* Yeoman, *ac* L. M. *de* N. *in Com. præd.* Barber, & *recognover. ſe debere dict. Regi* viz. *quilibet manucaptor. præd. quinque libras &* F. G. *decem libras bonæ & legalis monetæ* Angliæ (*ſolvend. eidem Dom. Regi in Feſto Purificationis Beatæ* Mariæ *Virginis proximo futuro poſt datum præſent.*) & *niſi fecerint, conceſſerunt pro ſe, Hæred. Executor. & Adminiſtrator. ſuis per præſentes, quod dictæ ſeparales ſummæ leventur & recuperentur de maneriis, meſuagiis, terris, tenementis, bonis, catallis & hæreditamentis ipſorum* F. G. J. C. & L. M. *Hæred. Executor. & Aſſign. ſuorum, ubicunque fuerint invent. Dat.* &c.

Or thus.

D. ſſ. *Memorandum, Quod primo die* Auguſti *Anno Regni Domini noſtri* Willielmi *Dei Gratia* Angliæ, Scotiæ, Franciæ & Hiberniæ *Regis Fidei Defenſor.* &c. *ſeptimo* A. B. *de* C. *in Com præd. gen. perſonaliter ven. coram* E. F. *Arm. un. Juſtic. dicti Domini Regis ad pacem in Com. præd. conſervand. aſſign. & recogn. ſe debere dict. Domino Regi viginti libr. bonæ & legalis monetæ Angliæ de bonis & catallis terris & tenementis ſuis fieri & levari ad opus dict. Dom. Regis hæred. & ſucceſſorum ſuorum ſi defecerit in conditione indorſat.* [if it be endorſed] or ſubſcribed [if it be to under-written,]

The Condition of this Recognizance is ſuch, that is, *&c.*

Or thus with the Condition included, as to give Evidence.

D. ſſ. *Memorandum, Quod,* &c. A. B. *de* C. *in Com. præd. Yeoman ven. coram me* E. F. *Arm. un. Juſtic.* (&c.) *Et* * *cognovit ſe debere dict. Dom. Regi decem libr. legalis monetæ Angliæ ſub conditione, Quod ſi ipſe perſonalit. comparebit coram Juſtic. dict. Dom. Regis ad prox. General. Gaolæ deliberation. in Com. præd. tenend. adtunc & ibidem oſtendend. in evidenc. ſecundum formam Statut. verſus* G. H. *nuper de* I. *in Com. præd. qui modo attach. & ſuſpect. felonice, Gaolæ dict. Dom. Regis Com. præd. commiſſ. exiſtit Quod tunc hæc præſens recognitio vacua fuerit & nullius effect. alioquin ſtet & reman. in ſuis plen. robore & vigore.*

* If it be for two, then you ſay, *Et uterq; eorum*; if three, *Quilibet eorum per ſe cogn. ſe debere dict. Domino Regi,* &c.

Capt. & cogn. die & anno ſupradict. coram me

E. F.

A Recognizance for the Peace.

D. ſſ. *Memorandum, Quod primo die* Martii *Anno Regni Dom. noſtri* Willielmi *Dei Gratia*, A.B. *de* C. *in Com. præd.* Tanner, *in propria perſona ſua venit coram me* E. F. *Armig. uno Juſt. dicti Dom. Regis ad pacem in dicto Com. conſervand. aſſign. & aſſumpſit pro ſeipſo ſub pœna* 200 *lib.* G.H. *de* J. *in Com. præd.* Yeoman, *&* K. L. *de*, &c. M. N. *de*, &c. Clothiers,

Clothiers, *tunc & ibid. in propriis perſonis ſuis ſimiliter venerunt, & manuceper. pro præd.* A. B. viz. *quilibet eorum ſeparatim ſub pœna* 100 *lib. quod idem* A. B. *perſonaliter comparebit coram Juſt. dict. Dom. Regis ad pacem, ad prox. General. Seſſionem Pacis in Com. præd. venend. ad faciend. & recipiend. quod ei per curiam tunc & ibid. injungetur. Et quod ipſe interim pacem dicti Dom. Regis cuſtodiat erga ipſum Dom. Regem & cunctum populum ſuum, & præcipue verſus* K. L. *de* O. *præd.* Clothier, *& quod damnum vel malum aliquod corporale aut gravamen præfato* K. L. *aut alicui de populo Dom. Regis quod in læſionem aut perturbationem Pacis ipſorum Dom. Regis ſeu præfati* C. *cedere valeat quovismodo non faciet, nec procurabit. Quam quidem ſummam ducent. libr. præd.* A. B. *& quilibet manuceptor. præd. ſeparales ſummas centum libr. recognovere ſe debere dict. Dom. Regi, de terris & tenementis bonis & catallis ſuis quorumlibet & cujuſlibet eorum, ad opus dicti Dom. Regis Hæred. & Succeſſor. ſuorum fieri & levari (ad quorumcunq; manus devenerint) ſi contigerit ipſum* A. B. *præmiſſa, vel eor. aliquod in aliquo infringere, & inde legitimo modo convincti. In cujus rei Teſtimonium ego præd.* E. F. *ſigillum meum appoſui. Dat. apud,* &c.

A Recognizance for the Good Behaviour.

MEmorandum, *Quod tertio die menſis* Auguſti *Anno Regni Domini* Willielmi *Dei Gratia* (&c.) A. B. *de* &c. C. D. *de,* &c. E. F. *de,* &c. *in propriis perſonis ſuis ven. coram nobis* G. H. *&* J. K. *Arm. Juſtic. dicti Domini Regis,* (&c.) *Et præd.* C. D. *&* E. F. *manuceper. pro præfat.* A. B. *Et præfat.* A. B. *adtunc aſſumpſit pro ſeipſo quod idem* A. B. *perſonaliter comparebit coram Juſtic. dicti Domini Regis ad pacem* (&c.) *ad prox. General. Seſſion.* (&c.) *Et quod ipſe interim ſe bene geret erga Dominum Regem & cunctum populum ſuum & præcipue erga* L. M. *de,* (&c.) *ſcilicet quod ipſe non inferet nec inferri procurabit per ſe nec per alios damnum aliquod ſeu gravamen præfat.* L. M. *ſeu alicui de populo ipſorum Domini Regis de Corporibus ſuis per inſidias inſultus ſeu aliquo alio modo quod in læſionem ſeu perturbationem pacis dicti Domini tedere valeat quovismodo, viz. uterq; præd.* C. D. *&* E. F. *ſub pœna ducent. libr. quas quidem ſeparal. ſummas cent. libr. uterq; præd.* C. D. *&* E. F. (*ut prædicitur*) *per ſe ac præd.* A. B. *præd. ſummam ducent. libr. recognover. ſe debere dicto Domino Regi de terris & tenementis bonis & catallis ſuis & quorumlibet ac cujuſlibet eorum ad opus ipſorum dicti Domini Regis fieri & levari ſi contingat præfat.* A. B. *in aliquo præmiſſor. deficere & inde legitimo modo convincti. Dat.* &c.

For

For one indicted of Felony.

Memorandum, Quod 10 *die* Auguſti *Anno* (&c.) *quinto* A. B. *de* C. *gen.* E. F. *de* G. *Yeoman*, H. J. *de eadem* Yeoman *&* J. L. *de* M. Yeoman *ven. coram me* N. O. *Arm. un. Juſtic.* (&c.) *ad pacem in Com. præd. conſervand. aſſign. Et manuceper. pro* R. S. *de* T. *in Com. præd.* Yeoman *quilibet eorum corpus pro corpore quod idem* R. S. *perſonaliter comparebit coram præfat. Juſtic. & ſociis ſuis ad prox. General. Seſſion. Pacis in Com. præd. tenend. ad ſtand. recte in Cur. ſiquis verſus eum tunc loqui voluerit de diverſis feloniis & tranſgr. unde idem* R. T. *indictatus exiſtit* (ut dicitur) *Et ad reſpond. dict. Domino Regi de eiſdem proût debet. Dat.* &c.

Obſervations on Recognizances.

When you take a Recognizance of any, you muſt make it in Latin (but the Condition may be in Engliſh, as afore obſerved.) You muſt ſet down the time, the Name, Place, Trade or Calling of the Principal (and ſo of his Sureties, if any) and bind them in a Sum to his Majeſty; the Principal is uſually the double Sum.

Then you read the ſubſtance of the ſame in Engliſh thus, viz.

You A. B. *of* C. &c. *do acknowledge your ſelf to owe unto our Sovereign Lord the Kings Majeſty* 10 l. *and you* C. D. *of* E. &c. F. G. *of* H. &c. *his Sureties do likewiſe each of you acknowledge to owe unto our ſaid Sovereign Lord the Kings Majeſty* 5 l. *a-piece to be-levied of your ſeveral Goods and Chattels, Lands and Tenements to his ſaid Majeſty, his Heirs and Succeſſors, upon Condition, That if the ſaid* A. B. *ſhall perſonally appear before his Majeſty's Juſtices of the Peace at the next* * *Quarter Seſſion to be holden for the County of* D. *and in the mean to be of Good Behaviour towards our ſaid Sovereign Lord the King, and all his Liege People* [&c. *as the caſe requires,*] *and do not depart thence without Licence from the Court, Then your Recognizance to be void, or elſe to ſtand in full force.*

* Note, *In Recognizances for the Peace, you ſay at the next Seſſions of the Peace,* &c. and for Felony you ſay, *At the next Gool Delivery, and if any longer day be given, yet the Party ought to appear*, Dalt. 27.

These Recognizances are to be engrossed in Parchment, to which the Justice subscribes his Name, but the Party that enters into it need not set his Hand or Seal.

The Condition may be on the back of the Recognizance, or subscribed underneath, or contain'd within the Recognizance, as before observed.

Then you must take a Note of the Recognizance in your Book of Recognizances thus,

A. B. *de* C. 10 *l. ad comparend. ad prox. Session. Pacis & conservare versus* C. D. &c.
E. F. *de* G. &c. } *l. s. d.*
& } 5 00 00
G. H. *de* K. &c. }

Or bound over for the suspicious stealing of a Mare, (&c.) being the Goods of *R. G.* &c. (as the Case requires.)

Or if for an Ale-house thus,

	l.	*s.*	*d.*
A. B. de *C.* &c. Victualler,	10	00	00
D. E. de *F.* &c. Yeoman,	05	00	00
G. G. de *I.* &c. Yeoman,			

Sub conditione quod prad. A. B. *bene & fideliter observabit omnes & singulos Articulos in licencia sua pro tipulatione content.*
Capt. & recogn. 10 *die* Augusti
Anno Dni. 1693. *coram nobis*, &c.

Note, These Recognizances must be certified to the next Sessions or Gaol-Delivery, to which the Justice doth, or hath belong'd; that the Party so bound may be called, and if the Party make default, the same to be then and there recorded, and the same Recognizance with the Record of that Default is to be sent and certified into the *Chancery*, the *Kings Bench* or into the *Exchequer*, 3 *H.* 7. *cap.* 1. 1 & 2 *Ph. & M. cap.* 13. 2 & 3 *Ph. & M. cap.* 10.

The Justice or Justices of the Peace, who took Sureties for the Peace or Good Behaviour, or some other, may if they see cause release the same. The Release to be written under the Recognizance thus,

Ego præfat. R. G. *qui supranominat.* C. D. *de* E. *ad securitatem pacis inveniend. ex mea discretione compuli eandem securitatem de se bene gerend. quantum in me est ex mea discretione, vices sine*

viceſimo quarto die Auguſti *Anno Domini* 1693. *remiſi & relaxavi. In cujus rei Teſtimonium huic præſenti relaxationi meæ ſigillum meum appoſui. Datum*, &c.

If the Party releaſes the Peace, then enter it thus, *viz.*

Memorandum, Quod primo die Septembris *Anno Domini* 1693. A. B. *venit coram me* C. D. *Arm. un. Juſtic.* (&c.) *ad pacem*, (&c). *Et gratis remiſit & relaxavit (quantum in ſe eſt) præd. ſecuritatem pacis per ipſum verſus ſupranominat.* E. F. *petit. In cujus rei teſtimonium ego præfat.* C. D. *huic præſenti relaxationi meæ ſigillum meum appoſui. Datum*, &c.

Riot.

RIOT in our Common Law ſignifieth the forcible doing of an unlawful Act by three or more Perſons aſſembled together for that purpoſe.

And note, That there is Riot, Rout and Unlawful Aſſembly.

If three or more ſhall come or aſſemble themſelves together, to the intent to do any unlawful Act with force or violence againſt the Perſon of another, his Poſſeſſions or Goods (although they after depart of their own accord without doing any) yet this is an Unlawful Aſſembly.

If after their firſt Meeting they ſhall ride, go or move forward towards the execution of any ſuch Act, this is a Rout, and if they do execute any ſuch thing indeed, then it is a Riot; See *Lamb Eirenarcha, lib.* 2. *cap.* 5. &c.

If any Riot, Rout or Unlawful Aſſembly be made, three or two Juſtices of the Peace at the leaſt, and the Sheriff or Under-Sheriff ſhall Arreſt the Offenders, and record that which they ſhall find done in their preſence againſt the Law; and ſuch Offenders ſhall be convicted by the Record in manner and form as is contained in the Statute of *Forcible Entries*, 17 *R.* 2. 8. 13 *H.* 4. 7. See before *Tit. Riot*, 1 *part.*

The form of the Record of a Riot viewed by the Juſtices, &c.

13 H. 4. cap. 7. Crompt. 66.

Memorandum, Quod viceſimo die Auguſti *Anno Regni Dom. noſtri* Willielmi *tertii, Dei Gratia,* (&c.) *nos* A. B. *Arm. &* C. D. *Arm. duo Juſt. dict. Dom. Regis ad pacem in Com. prad.* (&c.) *aſſign. &* E. F. *Miles adtunc Vic. ejuſd. Com. ad gravem querimoniam & humilem petition.* G. H. *de* I. *in dicto Com.* Yeoman *in propriis perſonis noſtris acceſſimus ad domum manſional. ipſius* G. H. *de* I. *prad. & adtunc & ibid. invenimus* K. L. *de* M. *prad.* Labourer, *ac alios malefactores pacis dict. Dom. Regis perturbatores ignotos (ad numerum decem perſon.) modo guerrino arraiatos, viz. gladiis, pugionibus, galeis, liricis, arcubus & ſagittis, illicite & riotoſe aggregatos, ad eandem domum obſidentes multa mala in ipſum* G. H. *cominantes, in magnam pacis dict. Dom. Regis perturbationem, ac populi ſui terrorem, & contra formam Stat. in Parl. Dom.* Hen. *nuper Regis* Angliæ *quarti, anno Regni ſui decimo tertio tent. editi & proviſi. Ac propterea nos præfat.* A. B. *&* C. D. *prad.* K. L. *tunc & ibid. arreſtari, ac prox. Gaole dict. Dom. Regis in Com. prad. duci, fecimus per viſum & recordum noſtrum de illicita Congregatione & Rioto prad. convictos ibid. moratur. quouſq; finem dict. Dom. Regi proinde fecerint. In cujus rei Teſtimonium huic præſenti Recordo noſtro ſigilla noſtra appoſuimus. Dat. apud* A. *prad. die & anno primo ſupradictis.*

Note, Each Man being able to travel ſhall help to repreſs Riots, upon pain of Impriſonment and Fine, 2 *H.* 5. 8.

A *Mittimus* to the Gaol of Rioters upon view.

To the Keeper of his Majeſty's Gaol, &c.

D. ſſ. WHereas upon complaint made unto me by *J. S.* and *R. T.* in the ſaid County, Gent. I did this preſent day go to *M.* &c. and there did find *A. B. C. D. E. F. G. H.* and others in a Riotous and unlawful Aſſembly aſſembled at *M.* aforeſaid, againſt the Peace of our Sovereign Lord the King, and againſt the form of the Statute in that behalf made and provided, I do therefore herewithal ſend you the Bodies of the ſaid *A. B. C. D. E. F.* and *G. H.* convicted of the ſaid Riot, Rout and unlawful

lawful Assembly, by my own View, Testimony and Record, commanding you in in his Majesty's Name to receive them into the said Gaol, and them there safely to keep till they have paid their Fines to his said Majesty for their said Trespasses, and shall be thence delivered by due course of Law. Hereof fail not, (&c.) Given, &c.

Note, If the Offenders be departed before the coming of the Justices and Sheriff, they shall diligently enquire, and hold Sessions within a month after, upon pain of 100 *l.* 13 *H.* 4. 7. and his Majesty shall bear their Costs sustained in the execution thereof.

The Precept (to the Sheriff) to return a Jury for an Enquiry upon a Riot.

D. ff. T P. *Armig.* & J. D. *Armiger duo Just.* &c. *assign. Vic. ejusdem. Com. salutem. Ex parte dicti Dom. Regis tibi præcipimus, quod venire facias coram nobis apud* A. *in Com. præd. tertio de* Martii *prox. futur.* 24 *probos, fusfic. & legales homines, de Com. præd.* Yeoman, *quorum quilibet habeat terras & tenementa infra dict. Com liber. tenementi per Chartam ad annuum valorem viginti solid. aut per copiam Rot. ad annuum valorem viginti sex solid. & octo denar. aut per utramque, ultra omnes repriſas, ad inquirend. pro dicto Dom. Rege, ac pro tudemnitate nostra in hac parte super sacrament. suum, de quibusdam illicitis aggregationibus & Riotis apud* A. *in Com. præd. nuper commissis, ut dicitur. Quodque returnes super quamlibet person. parte impannellat. in exitibus viginti solid. per ipsas forisfaciend. si non comparent ut Juvati sint ad inquirend. de præmissis ad diem illum Omnia quæ nullatenus omitt. sub pœna viginti librarum quam neveris te forisfacturum eidem Domino Regi si defalt. feceris in non return. personas præd. sive exit. in forma præd. Et habeas ibi tunc nomina Jur. ill. Et hoc præceptum. Dat. sub sigillis nostris apud* E. *vicesimo octavo die* Augusti *Anno Regni dicti Domini* Willielmi *Regis* Angliæ &c. *quinto.*

2 Justices, 13 *H.* 4. c. 7. (to be enquired within a month after the Riot,) 19 *H.* 7. cap. 13.

The Form of the Enquiry, Indictment or Preſentment of the Jury.

Inquiſitio pro Dom. Rege, &c. (as before in Forcible Entry) *coram* Thoma Put *Mil. &* Johanne Drake *Mil. duobus Juſt.* &c. *qui ad hoc jurati & onerati dicunt ſuper ſacrament. ſuum præd. quod* A.B. C.D. *&* E.F. *de* G. *in Com. præd.* Labourers, *ſimul cum aliis malefactoribus & pacis dicti Dom. Regis perturbatoribus ignotis (ad numerum ſeptem perſon.) modo guerrino arrai-ati, vi & armis*, viz. *bombardis, gladiis, arcubus & ſagittis, quarto die menſis* Martii *ult. præterito, apud* H. *in Com. præd. inter horas octavam & nonam poſt meridiem ejuſdem diei, domum manſionalem* I.K. *de* L. *præd.* Yeoman, *ſituat. in* M. *præd. rioteſe freger. & intrav. & in ipſum* I.M. *tunc & ibid. inſultum fecerunt, ac ipſum tunc & ibid. verberaverunt, in magnam pacis dicti Dom. Regis perturbationem & populi terrorem, ac contra formam Stat. de Riotis, Routis & Congregat. gentium illicitis, in Parl. Dom. Hen. nuper Reg. Angl. quarti, anno regni ſuo decimo tertio tento, proviſi & editi.*

If by ſuch Inquiſition the truth of the Riot cannot be found, then within a month next after they ſhall certifie before the King and his Councel of the whole Fact and Circumſtances thereof, 13 *H.* 4. 7.

And if by reaſon of maintenance or embracery of Jurors, a Riot, &c. is not found, then they ſhall in the ſame certifie the Names of the Maintainers and Embracers with their Miſdemeanors, upon pain to forfeit 20 *l.* and Impriſonment, at the diſcretion of the Juſtices, 19 *H.* 7. 13. Such Certificate may be done in Engliſh by way of a Letter comprehending the truth of the whole Matter, with the certainty of the Time, Place, and other Circumſtances of the Fact or Riot, together with the certainty of the Names of the Rioters, &c. which Certificate or Letter is to be directed and ſent by the ſaid Juſtices of the Peace and Sheriff or Under-ſheriff into the *Kings Bench*, &c. within one month. See *antea Tit. Riot*, 1 part.

Note alſo, That if the Offenders ſhall traverſe the Matter ſo certified, the ſame Certificate and Traverſe ſhall be ſent into the *Kings Bench* to be tried, 13 *H.* 4. 7.

A

A Traverse to an Indictment of a Riot, and the Record thereupon.

ALias scil. ad Sessionem Pacis tentam apud Castrum Exon. in Com. præd. die Martis prox. ante Festum S. Mathæi *Apostoli; Anno Regni Domini* Willielmi *tertii Dei Gratia* Angliæ, Scotiæ, Franciæ *&* Hiberniæ *Regis Fidei Defensoris,* &c. *coram* A. B. C. D. *& aliis sociis suis Justiciar. dict. Dom. Regis ad pacem in comitat. præd. conservand. nec non ad divers. felon. transgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. assign. per sacramentum duodecim Jurator. extitit præsentatum, quod* E. F. *de,* &c. G. H. *de,* &c. *&* I. K. *de,* &c. *cum diversis aliis ignotis malefact. & pacis dict. Dom. Regis perturbator. modo guerrino arraiat. uniti & assemblati, secundo die* Martii *in nocte ejusdem diei, anno,* &c. *vi & armis, tam invasivis quam defensivis apud* L. &c. *riotose fregerunt & intraverunt, & octo plaustra fœni ad valent.* &c. *adtunc & ibidem existen. de bonis & catallis dicti* M. *adtunc & ibidem injuste & illicite ceperunt & asportaver. contra pacem dicti Dom. Regis,* &c. *& contra formam Stat. inde editi & provisi; per quod præcept. fuit Vic. Com. præd. quod non omitteret,* &c. *Posteaque, scil. præd. die* Martis *prox. ante Festum* S. Mathæi *Apostoli, anno 5 supradicto coram præfat. Justic. venerunt præd.* E. F. G. H. *&* J. K. *in propriis personis suis, & habit. audit. indict. præd. separal. dicunt quod ipsi non sunt inde culp. & de hoc ponunt se super patriam, &* N. O. *qui pro Domino Rege in hac parte seq. similit.* &c. *Ideo veniat inde Jurata coram Just. dict. Domini Regis ad pacem in Com. præd. conservand. assign.* &c. *ad Sessionem Pacis apud* P. &c. *die* Martis *prox. post* Epiphaniam *Dom. tunc prox. futur. tenend. & qui,* &c. *ad recogn.* &c. *quia tam,* &c. *Idem dies datus est tam præfat.* N. O. *qui sequitur,* &c. *quam præfat.* E. F. G. H. *&* J. K. *ad quas quidem Sessiones tent. apud* L. *præd. in Com. præd. die,* &c. *coram dict.* A. B. C. D. *&* P. Q. *milit. & sociis suis Just. dict. Domini Regis ad pacem in Com. præd. conserv. nec non ad divers. felon. transgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. assignat. venerunt tam præfat.* N. O. *qui seq.* &c. *quam præfat.* E. F. G. H. *&* J. K. *in propriis personis suis, & Jurator. pred. per vicecom. com. præd. ad hoc impanellati & exacti, viz.* R. S. T. V. &c. *similiter venerunt; qui ad veritatem de præmiss. dicendam triati & jurati, dicunt super sacramentum suum quod præd.* E. F. G. H. *&* J. K. *culpabiles sunt, & eorum quilibet*

culpabilis est de transgr. contemptu & riotu prad. in indictamento prad. superius specificatis, modo & forma prout superius versus eos supponitur. Ideo consid. est per Curiam quod prad. E. F. G. H. & J. K. capiantur ad satisfaciend. dict. Dom. Regi de finibus suis occasione Transgr. Contemptus & Riot. prad. qui quidem E. F. G. H. *& J. K. adtunc & ibid. presentes in cur. petierunt se ad finem cum dict. Dom. Rege occasione prad. admitti Et inde pro se seperatim in misericordia Domini Regis assessetur finis ejusdem* E. F. *per Just. prad. ad tres libr. sex solid. & finis ejusdem* G. H. *assessetur ad viginti solid. Et assessetur finis ejusdem* J. K. *ad quinque libr. bone & legalis monetæ* Anglix *ad opus & usum dict. Dom. Regis*, &c.

Rioters attainted of great and heinous Riots shall have one years Imprisonment, as the King and his Council shall think good, 2 *H.* 5. 8.

Scavinger.

A Warrant upon not paying the Scavingers Rates.

To the Constables, &c.

Midd. ss. THESE are (in his Majesty's Name) to will and require you immediately upon sight hereof to summon the Parties hereafter named, *E. F. G. H. J. K.* &c. personally to appear before us on *Tuesday* next being the 18th day of *April*, by nine of the Clock in the Forenoon, at, &c. then and there to shew cause why they refuse to pay their Rates to the Scavingers for cleansing of the Parish of *C.* in the said County; and if they or any of them shall refuse to appear upon this our Summons, that then you bring such Parties before us at the time and place aforesaid, to find Sureties for their Good Behaviour and Personal Appearance at the next General Quarter Sessions of the Peace for the said County of *M.* to answer the said Crimes. Hereof fail not. Given under our Hands this, &c.

A

A Warrant for Scavingers to distrain, &c.

To the Constables and Headboroughs of, &c.

Devon. ff. WHEREAS Complaint hath been made unto us, That the several Persons whose Names are under-written, being Inhabitants within the Liberty of *H.* have refused, and yet refuse to pay the Sums of Mony hereunder mentioned, being respectively rated, assessed and taxed on them for and towards the scouring and cleansing of the Streets, according to the form of the Statute in that case made and provided. These are therefore (in his Majesty's Name) to charge and command you, and every of you to bring the said Persons so refusing before us to shew cause for such their refusing; and if they or any of them shall refuse to come before us, or shall absent themselves, or refuse to be spoken withal, due notice in Writing, being left at their respective Houses, That then you immediately levy all and every the said several Sums unpaid, and all the Arrearages thereof, of all and every the said Persons so refusing by Distress and Sale of the Offenders Goods, you rendring to the Parties the overplus that shall remain upon the Sale of the said Goods, (if any shall be,) and for your so doing this shall be your Warrant. Given under our Hands and Seals this, &c. 13 & 14 *Car.* 2. *c.* 2. expired.

See the first Part, *Tit. High-ways* and *Tit. Scavingers.*

Servants. See Tit. Apprentices.

Silk-

Silk-Throsters.

An Order for the payment of Monies to a Silk-Throster, by his Work-men who imbezil'd his Silk.

13 & 14 Car. 2. c. 15
20 Car. 2. c. 6.
1 Justice.
1 Witness.

Devon. ss. WHereas upon the complaint of *C. D.* of *E.* Silk-Throster, made, that he having delivered to *G. H.* of *K.* Silk-winder [or Doubler, or Journy-man] seven pounds of Silk to be by him Silk winded (or Silk doubled) for the said *C. D.* and the aforesaid *G. H.* hath unjustly [deceitfully and falsly purloined, imbibed, pawned, sold, or (as the case is) detained five pounds of Silk, parcel thereof, which complaint upon my Examination of the same (according to the form of the Statute in that case made) hath been made apparent unto me to be true, I have thereupon determined the Offence aforesaid, and do hereby order and appoint, that the said *G. H.* shall give and pay to the said *C. D.* the Sum of 20 *l.* for his Damages, Losses and Charges thereabouts, within seven days now next ensuing. Given under my Hand and Seal, &c.

Against an Offender for not obeying the Order before-mentioned.

To the Constables and Borsholders of the Hundred of, &c.

13 & 14 Car. 2. c. 15

Devon. ss. WHereas upon the complaint of *C. D.* of *E.* Silk-Throster, to me made, That he having delivered to *G. H.* Silk-winder [or Doubler, or Journy-man] seven pounds of Silk, to be by him Silk-winded (or Silk-doubled) for the said *C. D.* and that the aforesaid *G. H.* had unjustly [deceitfully and falsly purloined, imbibed, pawned, sold or (as the case is) detained five pounds of Silk, parcel thereof, which complaint upon my Examination of the same (according to the form of the Statute in that behalf made) was made appear unto me to be true; and I did thereupon determine the Offence aforesaid, and did by Warrant under my Hand and Seal order and

and appoint, that the ſaid *G. H.* ſhould give and pay to the ſaid *C. D.* for his Damage, Loſs and Charges thereabouts 20 *s.* within ſeven days next enſuing. And foraſmuch as the ſaid *G. H.* did not within the ſaid ſeven days, nor at any time ſince make ſuch recompence or ſatisfaction to the ſaid *C. D.* as was by me as aforeſaid ordered and appointed, although he had convenient notice ſo to do. Theſe are therefore (in his Majeſty's Name) to will and require you, that you, ſome or one of you do apprehend and whip the ſaid *G. H.* or ſet him in the Stocks, in the place where the ſame Offence was committed, or in ſome Market in this County, next unto the place aforeſaid. Given under my Hand, &c.

Note, By 20 *Car.* 2. *cap.* 6. To be committed to Priſon till ſatisfaction given.

The like Warrant againſt the Receiver, Buyer or Taker to Pawn.

Soulders.

A Warrant to warn in a Muſter at a certain day.

To the Conſtables and Borſholders of, &c.

Devon. ſſ. BY command from the Right Honourable *W.* Earl of *B.* (Lord Lieutenant of the ſaid County,) I require you to warn all the Perſons mentioned in a Liſt hereunto annexed to appear compleatly armed and furniſhed with Coats (according to former Orders) at *K.* near *L.* upon *Tueſday* the ninth day of *May* inſtant, at eleven a Clock in the Forenoon of the ſame day (at fartheſt) and every of them is to bring with him four days Pay, and the Muſter-Maſters Sallary. The Muſquetier to bring with him one pound of Powder, and Match and Bullets proportionable, then and there to receive farther Orders. And you the ſaid Conſtable to be then and there preſent to make appear what you have done in execution hereof, of what is here commanded, no Perſon concerned herein is to fail at his peril. Given under my Hand, &c. 13 & 14 *Car.* 2. *c.* 3. 15 *Car.* 2. *c.* 4.

A Warrant to the High-Conſtable to ſummon a Foot Company.

To R. H. *one of the High-Conſtables of the Hundred of* C. *&c.*

13 & 14 Car. 2. c. 3. *Devon. ſſ.* WHereas the Perſons in a Liſt hereunto annexed are charged to the finding of Foot Arms, as at their Names appears, according to the Statutes in that caſe made and provided. Theſe are therefore to will and require you, that you give notice to the ſaid Perſons, that they provide and appear with their ſaid Arms, or an able Man to bear the ſame, at, &c. in the ſaid County upon *Tueſday* the ninth day of *June* next enſuing, by eight of the Clock in the Morning. Hereof fail not. Given under our Hands and Seals this, &c.

The Conſtables Summons for providing a Horſe.

To Mr. C. D. *of*, &c.

BY virtue of a Warrant to me directed, from Sir *J. K.* Knight. This is to ſummon and warn Mr. *L. M.* and Mr. *N. O.* to ſend a Horſe well fitted to the Sign of the *Kings-head* in *W.* in the County aforeſaid, on *Tueſday* the 12th day of *May*, between ſeven and nine of the Clock in the Morning with Back, Breaſt and Pot, and that they bring with them a quarter of a pound of Powder, and two days Pay for himſelf, and one ſhilling for the Muſter-Maſter. Dated 11 *May*, &c.

Warned by me *T. S.* Conſtable.

A Certificate for a Trained Souldier.

THESE are to certifie you, That *C. D.* the Bearer hereof is a Trained Souldier of the Borough of *N.* for his Majeſty's Service appointed under my Command, and therefore not otherwiſe to be charged or moleſted, as you will anſwer the contrary at your perils. Given under my Hand at, &c.

A Certificate for an Indigent Officer.

THESE are to certifie whom it may concern, That Lieutenant Colonel *S. W.* is certified by the Commissioners a Man fitly qualified to receive his Dividend of the Sum of 40000 *l.* and the Office-Mony given to the Loyal Indigent Officers, and received a Warrant from the Right Honourable Commissioners appointed by Act of Parliament, to the Treasurer to pay him the said Lieutenant Colonel *S. W.* his share and proportion of the 40000 *l.* and Office-Mony, being 20 *l.* which is entred into the Book of Warrants, and not paid by reason of great Losses by insolvent Collectors, and other Mony that came but lately into the Treasury, out of which he is to be paid this at the request of the said Lieutenant Colonel *J. H.* I do certifie this, &c. day of, &c. 13 & 14 *Car.* 2. *c.* 9. 15 *Car.* 2. *c.* 3. 22 & 23 *Car.* 2. *c.* 21

To order an Allowance to a Poor Souldier, out of the Stock for Maimed Souldiers.

To the Treasuer of the said County for Maimed Souldiers.

Devon. ff. FOrasmuch as *E. F.* Officer, [Souldier or Mariner, indigent, aged or disabled in Body for Work in the Service of his late Majesty, or his Majesty that now is, or under the late Wars, or so impoverished by his Sufferings under any of the late usurped Powers, as that he is desolate of any competent Subsistence or Livelihood,] hath according to the form of the Statute (in that behalf lately made) made appear unto us, that he hath continued faithful to his trust, and not deserted the same against his Majesty (King *Charles* the I. and King *Charles* the II. or his Majesty that now is, or otherwise, (and hath repaired to *L.* in the said County (being the place where he was last setled before he took up Arms,) We do therefore (according to the said Statute) assign, &c. for his Relief until the next Quarter Sessions to be holden for the County of *D.* which are hereby required to pay unto him. Given under our Hands and Seals, &c. 43 *El. c.* 4. 13 & 14 *Car.* 2. *c.* 9. 2 *Justices, Lamb.* 295

The

The like for Allowance to Wife or Orphan of a maimed Souldier.

To the Treaſurer of the ſaid County for maimed Souldiers.

13 & 14 Car. 2. c. 9. 2 Juſtices. *Devon. ff.* FOraſmuch as *S. P.* (Widow or Orphan) of *J. M.* [Officer, Souldier or Mariner, maimed, indigent, aged or diſabled in Body for Work in the Service of his Majeſty] hath (according to the form of the Statute in that behalf lately made) made appear unto us, That *J. H.* late of *K.* continued faithful to his truſt, and not deſerted the ſame by taking up Arms againſt their ſaid late Majeſties King *Charles* the Firſt, and King *Charles* the Second, or their Majeſties that now are, or otherwiſe. We do therefore (according to the ſaid Statute, adjudge that over and beſides ſuch Relief as ſhe [or they] ſhall gain by her [or their] Work and Labour, and ſhall be allowed by the Charity and Benevolence of the Pariſh of *L.* where ſhe [or they] is now ſetled. Given under our Hands and Seals, &c.

Note, 31 *Car.* 2. *cap.* 1. No Officer Military or Civil, or any other Perſon ſhall Quarter or Billet any Souldier upon any Inhabitant of this Realm without his conſent, and every ſuch Inhabitant may refuſe to quarter any Souldier notwithſtanding any Order whatſoever.

Swearing.

To pay 1 *s.* for ſwearing in the preſence of a Juſtice of the Peace.

To the Conſtables, &c. and to the Church-wardens and Overſeers of the Poor of the Pariſh of H. &c.

21 Jac. 1. cap. 20. 1 Juſtice within 20 days after *Devon. ff.* FOraſmuch as *C. D.* of, &c. in the County aforeſaid, Weaver (being above the Age of twelve years) did in my hearing this preſent day (in the Pariſh aforeſaid) prophanely ſwear one Oath, for which Offence he forfeited, and was to pay (to the uſe of the Poor

Poor of the Pariſh) the Sum of 12 *d.* Theſe are therefore in his Majeſty's Name to command you to levy to the Uſe of the Poor of the ſaid Pariſh the aforeſaid 12 *d.* by Diſtreſs and Sale of the Goods of the ſaid *C. D.* rendring to him the Overplus. And in defect of ſuch Diſtreſs, that you the ſaid Conſtable do ſet the ſaid *C. D.* in the Stocks by the Space of three whole Hours. Hereof fail not. Given under my Hand and Seal this, &c. day of, &c.

the Offence by Confeſſion or two Witneſſes.

Note, If he be under twelve years of Age to be whipped by the Conſtable or by the Parents or Maſter in the Juſtices preſence.

A Warrant to levy Monies for prophane ſwearing.

To the Conſtables and Borſholders of, &c.

Devon. ſſ. FOraſmuch as it was proved this preſent day before me, That *C. D.* of, &c. did in the ſaid Pariſh offend by prophane Swearing three Oaths, by reaſon whereof he hath forfeited to the Uſe of the Poor of the ſaid Pariſh the Sum of, &c. that is to ſay, 3 *s.* 4 *d.* for every time he did ſo offend, according to the form of the Statute in that Caſe made and provided. Theſe are therefore in his Majeſty's Name to command you, that you ſome or one of you do forthwith levy the ſaid Forfeiture of *&c.* upon the Goods and Chattles of the ſaid *C. D.* by Diſtreſs and Sale of the ſame, returning the Overplus. And that forthwith after your levying of the ſaid Forfeiture of, &c. you pay the ſame to the Church-wardens and other Overſeers of the Poor of the ſaid Pariſh, or to ſome or one of them, to the uſe of the Poor aforeſaid. And in Caſe no ſufficient Diſtreſs ſhall be found, and that the ſaid *C. D.* ſhall not pay the ſaid Forfeiture, or give Security for the ſame, that then you do ſet him in the Stocks, there to remain the ſpace of three whole Hours. And hereof fail not, &c.

21 *Jac.* 1. *cap.* 20.

A Cer-

A Certificate of Conviction for Swearing.

Devon. ff. I *P. Q.* Eſquire, one of his Majeſty's Juſtices of the Peace for the ſaid County, do hereby certifie to the Clerk of the Peace of the County aforeſaid, that the Perſons whoſe Names are hereunto ſubſcribed, were ſince the laſt Seſſions convicted before me for ſwearing three prophane Oaths a-piece. Given under my Hand and Seal, &c.

Superſedeas.

A *Superſedeas* in the Kings Majeſty's Name.

William *the Second by the Grace of God, King,* &c. *to the Sheriff of the County of,* &c. *the High-Conſtable of the Town of,* &c. *and to all and ſingular the Bailiffs and other Miniſters in the ſaid County, as well within Liberties as without, Greeting.*

FOraſmuch as *A. B.* of, &c. hath come before Sir *C. D.* Knight and Baronet, one of our Juſtices of Peace, within the ſaid County, and hath, &c. [concluding it in the Juſtices Name, as thus] Witneſs the ſaid *C. D.* at *E.* the firſt day of *March.*

The Form of a Superſedeas *by a Juſtice of Peace.*

WE *B.* Eſquire, one of the Juſtices of the Peace of our Sovereign Lord the King's Majeſty within the County of *Devon.* to the Sheriff, Bailiffs, Conſtables, and other the faithful Miniſters of our Sovereign Lord, within the ſaid County, and to every of them, ſendeth Greeting. Foraſmuch as *A. B.* of, &c. Gardiner, hath perſonally come before me at *A.* &c. and hath found ſufficient Sureties, that is to ſay, *D. E.* and *F. G.* Yeomen, either of the which hath undertaken for the ſaid *A. B.* under the pain of 20 *l.* and he the ſaid *A. B.* hath undertaken for himſelf under the pain of 40 *l.* that he the ſaid *A. B.* ſhall well and truly keep the Peace towards our Sovereign Lord, all

all his Liege People, and eſpecially towards *H. J.* of, &c. Yeoman, and alſo that he ſhall perſonally appear before the Juſtices of the Peace of our ſaid Sovereign Lord at the next General Seſſions of the Peace, to be holden for this City of *Exon.* Therefore on the behalf of our ſaid Sovereign Lord, I command you and every of you, that you utterly forbear and ſurceaſe to arreſt, take, impriſon or otherwiſe by any means (for the ſaid occaſion) to moleſt the ſaid *A. B.* and if you have, for the ſaid occaſion, and none other, taken or impriſoned him, that then you do cauſe him to be delivered and ſet at Liberty without farther delay. Given at *Exon* aforeſaid, under my Seal, this laſt day of *March*, &c.

A *Superſedeas* granted upon a *Supplicavit.*

WB. *Armiger, unus Juſtic. Dom. Regis nunc ad pacem in Com. præd. conſervand. aſſignat. Vicecom. ejuſdem Com. ac omnibus & ſingulis Ballivis, Conſtabular. cæteriſque dicti Domini Regis Miniſtris, tam infra Libertates quam extra in Com. præd. ſalutem, Sciatis quod breve dicti Dom. Regis recepi in hæc verba.* Willielmus, &c. [reciting here all the Writ *verbatim*] *Et quia* A. B. *de*, &c. C. D. *de*, &c. *& præfat.* E. F. *coram me præfat.* W. B. *perſonaliter comparuit. & præd.* A. B. *&* C. D. *manuceper. pro dicto* E. F. *qui infra ætatem* 21 *ann. exiſtit.* viz. *quilibet manucaptor præd. in vigint. libr. quas recognover. ſe debere dict. Dom. Regi ac conceſſ. de terris & tenementis, bonis & catallis ſuis, ad opus dicti Dom. Regis levand.* viz. *quod præd.* E. F. *dampnum vel malum aliquod alicui de populo dict. Dom. Regis de corpore ſuo vel de incendio domorum ſuarum non faciet nec fieri procurabit quovis modo. Ideo ex parte dicti Dom. Regis vobis & cujuſlibet veſtrum mando quod de coarct. and. aut attachiand. dictum* E. [redacted] *ad inveniend. ſecuritatem pacis per ipſum gerend. erga dict. Dominum Regem & cunctum populum ſuum, ſeu aliquem de eodem populo ſuo, coram vobis ſeu aliquo veſtrum inveniend. ſuperſed. fac. omnino, & ſi ipſum* E. F. *occaſione præd. & non alia ceperitis ſeu capi mandaver. & in priſona ipſius Domini Regis ſub cuſtodia veſtra detinueritis, tunc ipſum a priſona in qua detinetur ſine dilatione deliber. fac. ſeu unus veſtrum deliberari fac. Teſte me præfat.* W. B. *ſecundo die* Martii *anno Regni dicti Domini Regis ſeptimo Annoq; Dom.* 1695.

Superſedeas de Capias indictatum de Tranſgreſſione.

T P. *Armig. unus Juſtic. Dom. Regis nunc ad pacem in* • *Com. præd. conſervand. necnon ad diverſa Felon. Tranſgr. &c. in eodem Com. audiend. & terminand. aſſign. Vic. Com. præd' ſalutem quia* A. B. *de* C. *in Com. tuo* Taylor, *venit coram me, & invenit ſuffic. Mainucaptores eſſendi coram Juſtic. dict. Dom. Regis ad pacem in Com. præd. conſervand. necnon ad diverſa Felon. &c. in dict. Com. præd. prox. die tenend ad reſpondend. dict. Dom. Regi de quibuſdam tranſgr. contempt. & offenſis unde indict. exiſtit. Ideo ex parte dict. Dom. Regis tibi præcipio, quod de capiend præfat.* A. B. *ſeu ipſum impriſon. aut eum ex cauſa aliqualiter moleſt. omnino ſuperſed. Et ſi eum ex cauſa illa & non alia ceperis tunc ipſum ſine dilatione deliberari facias. Teſte me, &c.*

Superſedeas de Capias pro fine.

W B. *Armiger unus Juſtic. Dom. Regis nunc ad pacem* • *in Com. præd. conſervand. aſſign. Vic. Com. præd. ſalutem. Quia* A. B. *de* C. *in dicto Com.* Yeoman, *venit coram me & invenit ſuffic. manucapt. eſſendi ad prox. general. Seſſion. pacis in Com. præd. tenend. ad faciend. finem cum dicto Dom. Rege pro quibuſdam tranſgr. contempt. & offenſis, unde indictatus exiſtit. Ideo tibi præcipio quod de capiendo præfat.* A. B. *impriſonand. ſeu ipſum ea occaſione aliqualiter moleſtand. omnino ſuperſed. Et habeas ibi tunc hoc præcept. Teſte me, &c.*

Superſedeas de Capias indictat. de Felonia.

W B. *Armig. unus Juſtic. Domini Regis nunc ad pacem* • *in Com. præd. conſervand. aſſign. Vic. Com. præd. necnon omnibus & ſingulis Ballivis, Conſtabular. cæteriſque dicti Dom. Regis Miniſtris, tam infra Libertates quam extra, in dict. Com. ſalutem. Quia* A. B. *de* C. *in Com. præd.* Yeoman, *venit coram me, & invenit ſuffic. ſecur. eſſendi coram Juſtic. dicti Domini Regis ad pacem in Com. præd. conſervand. necnon ad diverſa Felonias, Tranſgr. & alia Maleſacta in eodem Com. audiend. & terminand. aſſign. ad prox. general. Seſſionem pacis in Com. præd. ad reſpond. dicto Dom. Regi de diverſis Feloniis & Tranſgr. unde coram eis indictat. exiſtit. Ideo ex parte dicti*

Dom.

Dom. Regis vobis & cujuſlibet veſtrum mando quod de capiend. præd. L. M. *ea ex cauſa ſuperſed. omnino, & ſi eum ea occaſione, & non alia ceperitis ſeu impriſonaver. tunc ipſum ſin dilatione deliberi faciatis. Dat. &c.*

Superſedeas de Exig. fac. de Felonia.

WILLIELMUS, *&c. Vic. Com.* Devon. *ſalutem, quia* A. B. *de* C. *in Com. tuo,* Yeoman, *venit coram* E. F. *&c. & invenit ſuffic. Manucaptor. eſſendi coram tuſtod. pacis noſtræ (ac Juſtic. noſtris ad diverſa Felon. &c.) ad generalem Seſſionem pacis noſtræ apud* G. *tali die tenend. ad reſpond. nobis de quibuſdam Feloniis unde inditatus eſt. Ideo tibi præcipimus, quod de ulterius exigend. præfat.* A. B. *ad aliqu. Comitat. tuum vel impriſonandum ſive ipſum ea occaſione aliqualiter moleſtand. omnino ſuperſed. & habeas ibi tunc hoc Breve. Teſte* W. B. *apud* H. ——*die, &c.*

Taxes Vide Aſſeſſors.

Teſtimonial.

A Teſtimonial for ſuch as have ſuffered Shipwreck.

A. C. *in the County of* Devon. *Eſquire, one of the Kings Majeſty's Juſtices of the Peace, to all,* &c.

FOraſmuch as the Bearer hereof *C. D.* aged about, &c. having lately been at Sea, in a Ship called, &c. hath ſuffered Shipwreck, and got to Land at *E.* in the ſaid County of *Devon.* upon the third day of *December* laſt paſt (as I am credibly Informed, as well by the Report of the ſaid *C. D.* as alſo by the Teſtimony of divers the Inhabitants of *E.* aforeſaid) and for that the ſaid *C. D.* hath not wherewithal to relieve himſelf in his Travel homewards to *E.* where he ſaith he was born, or hath a Dwelling, *&c.* Theſe are therefore to pray you, and every of you to whom theſe Preſents ſhall come, not to moleſt or

trouble the ſaid *C. D.* in his Travel to *E.* aforeſaid, where he is limited to be within twenty days next after the Date hereof, but to deſire you rather to relieve him in his neceſſities, as to you ſhall ſeem meet, and withal, you the Conſtable of every Town, where he ſhall come to help him with Lodging in convenient time, ſo that he traveleth the direct way to *E.* aforeſaid, not doing any thing contrary to the Laws and Statutes of this Realm. In witneſs whereof, *&c.*

Tile Searchers.

A Deputation for Tile-Searchers.

17 *Ed.* 4. *cap.* 4. 2 *Juſtices.*

Devon. ſſ. WE whoſe Names are hereunto written his Majeſty's Juſtices of the Peace of the ſaid County do, according to the form of the Statute in that behalf made in the ſeventeenth year of the Reign of the late King *Edward the Fourth*, ordain, aſſign and depute *C. D.* and *E. F.* and either of them, during our Wills and Pleaſures, to ſearch and examine the digging, caſting, turning and ordering of Earth for all plain-Tile, Roof-Tile, Corner-Tile and Gutter-Tile to be made within the Diviſion of the five Hundreds, in the County aforeſaid, and to ſearch and examine all the Tiles aforeſaid that the ſame be good, reaſonable and very ſufficient, and throughly whited and anealed, and do contain ſuch Length, Breadth, Thickneſs and Deepneſs as by the ſaid Act is required, and generally to do and perform all ſuch other things as to the Office of Searchers do by virtue of the ſaid Act, appertain, and to receive and have ſuch Fees and Salaries for their and either of their labour in the Premiſſes, as by the ſaid Act is appointed. Given under our Hands and Seals, &c.

Note, To pay the Searchers for every 1000 of plain-Tiles 1 *d.* every 100 of Roof-Tiles *ob.* and for every 100 of Corner of Gutter-Tiles *q.*

Treaſon.

Treaſon.

A Warrant to ſearch for and apprehend Perſons ſuſpected of Treaſon.

To the Conſtables, &c.

Devon. ff. WHereas *E. F.* and *G. H.* are voluntarily ſuſpected to have committed Treaſon whereof I have received Information, Theſe are therefore in his Majeſty's Name ſtraitly to charge and command you and every of you, upon ſight hereof, without any delay to make diligent ſearch for the Bodies of the ſaid *E. F.* and *G. H.* and them or either of them ſo found, to attach and arreſt, and immediately upon ſuch Arreſt to bring before me at my Houſe at *L.* in the ſaid County, whereof you are not to fail at your peril. Given under, &c. 25 *Ed.* 3. *cap.* 2. 1 *Ed.* 6. *cap.* 12.

Note, When any of the ſaid Traitors ſhall be brought before the Juſtice, he muſt take the Examination of them in Writing (but not upon Oath) upon all Circumſtances whereof he ſhall receive Information from the Accuſers, and upon ſuch other Circumſtances as he in his own diſcretion ſhall think fit for the diſcovery of ſuch Treaſon.

The Form of the Examination may be ſuch.

THE Examination of *C. D.* &c. taken before me *T. S.* Eſq; one of his Majeſty's Juſtices of the Peace for the County of *D.* the fourth day of *May* in the ſeventh year of the Reign of our Sovereign Lord *William* by the Grace of God of *England*, *Scotland*, *France* and *Ireland*, King Defender of the Faith, &c. *Annoque Domini*, 1695.

The ſaid Examinant being duly examined, ſaith, *That*, &c. And ſo ſet down every particular Anſwer that the Priſoner ſhall make to the Queſtions that ſhall be demanded of him.

This being done the Juſtices of Peace muſt take the Examination of the Accuſers, as ſuch others as can give Evidence material againſt the Priſoner, and their Examinations muſt be taken in Writing ſeverally, and that upon Oath.

The Form whereof may be thus:

THE Examination of *C. D.* of, &c. taken upon Oath before me *T. S.* Eſq. one of his Majeſty's Juſtices, &c. the fourth day of *May* in the ſeventh year of the Reign of our Sovereign Lord *William*, &c. This Examinant being this Day examined upon Oath before me ſaith, *That*, &c. And ſet down at large all the material Circumſtances that he ſhall declare to prove the Treaſon, &c.

This being done the Juſtice muſt make a *Mittimus* to convey the Priſoner to the Gaol.

A *Mittimus* to the Gaol.

To the Keeper, &c.

I Send you herewith the Body of *C. D.* brought before me this preſent day and charged with Treaſon. Theſe are therefore in his Majeſty's Name to command you that immediately upon ſight hereof you receive the ſaid *C. D.* into your Cuſtody, and him ſafely keep in your ſaid Gaol until he ſhall be thence delivered by due Order of Law. Hereof fail not at your perils. Given under, &c.

This being done the Juſtice of Peace muſt take a ſeveral Recognizance of every one of the Accuſers, and of every one that can give Evidence againſt the Priſoner.

Treſpaſs.

A Warrant upon Hedge-breaking, &c. where the Party is not able.

To the Church-wardens, &c.

Devon. ſſ. FOraſmuch as it was this preſent day duly proved before me, that *C. D.* hath unlawfully (*a*) [as the Caſe is] of *E. F.* at *K.* contrary to the Form of the Statute in that Caſe made and provided. And foraſmuch upon hearing and determining of the ſaid Matter, I have ordered and appointed, that the ſaid *C. D.* ſhould forthwith give and pay unto the ſaid *E. F.* the Sum of, &c. of lawful Mony of *England* in and for recompence and ſatisfaction for his Damages, which he hath ſuſtained by occaſion of the Treſpaſs aforeſaid. And foraſmuch as the ſaid *C. D.* is thought in my diſcretion not able nor ſufficient to make ſuch Recompence or Satisfaction, as aforeſaid. Theſe are therefore in his Majeſty's Name to command you, that you, ſome or one of you, do whip the ſaid *C. D.* for the Offence aforeſaid. Hereof fail not at your perils. Given under my Hand and Seal, &c.

43 *Eliz. cap.* 7. 15 *Car.* 2. *cap.* 2. 1 *Juſtice where the the Offence is committed or the Party apprehended. Confeſſion or one Witneſs. Juſtice not to act herein in his own Caſe.*

(*a*) *Cut or taken away Corn or Grain of* E. F. *growing at,* &c. *Robbed Orchard or Garden.*
Break, cut Hedge, Pale, Rale, Fence.
Dig, pull up, take up Fruit-Tree in Orchard, Garden or elſewhere, to the intent to take and carry away the ſame.
Cut, ſpoil Woods, Underwoods, Poles, Trees ſtanding.
Not being Felony.
The Procurer or Receiver knowing the ſame.

A Warrant or Order to pay where the Party is able.

To the Conſtable, &c.

Devon ſſ. FOraſmuch as it was this preſent day duly proved before me, That *C. D.* hath unlawfully (*a*) [as the Caſe is] of *E. F.* at *K.* (contrary to the form of the Statute made and provided) now upon hearing and determining of the ſaid Matter, I do order and appoint, that the

43 *El. c.* 7. 15 *Car.* 2. *cap.* 2. 1 *Juſtice.* (*a*) *as before.*

the ſaid C. D. ſhall within fourteen days now next enſuing, give and pay unto the ſaid E. F. the Sum of, &c. of lawful Mony of *England* in and for recompence and ſatisfaction for his Damages which he hath ſuſtained by occaſion of the Treſpaſs aforeſaid. Given under my Hand and Seal, &c.

If not paid, then ſay.

And foraſmuch as it doth now ſufficiently appear unto me, That the ſaid C. D. hath not hitherto given or paid unto the ſaid E. P. the aforeſaid Sum of, &c. according to my ſaid Order and Appointment. Theſe are therefore in his Majeſty's Names, to command you, that you, ſome or one of you, do whip the ſaid C. D. for the Offence aforeſaid. Hereof fail not at your perils. Given, &c.

The Conſtable, or other inferior Officers, muſt whip Hedge-breakers, Robbers of Orchards and Gardens, Cutters of Corn and Wood that be for that purpoſe committed to them, &c. *Lamb. Conſt.* 511. 43 *Eliz. cap.* 7.

A Warrant from the Juſtices at a Quarter-Seſſions for apprehending one indicted for a Treſpaſs, &c.

To all Conſtables, and all other his Majeſty's Officers and Miniſters within the County of D. *and to every of them, whom it may concern.*

D. ſſ. THeſe are to will and require you, and in his Majeſty's Name ſtraitly to charge and command you forthwith upon receipt hereof to bring before us, and other his Majeſty's Juſtices of the Peace of this County to the Seſſions of Peace holden for the County of D. at M. in the ſaid County, the Body of C. B. &c. ſtanding indicted for a Treſpaſs (if the Court be then ſitting) or if not, before ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, then and there to anſwer the ſame, and all ſuch Matters as on his Majeſty's behalf ſhall be objected againſt him, and if he cannot be taken during this preſent Seſſions, that then ſo ſoon after as he ſhall be taken you bring, or cauſe to be brought before us, or ſome other of his Majeſty's Juſtices of the Peace of this County, to find ſufficient Sureties for his perſonal appearance at the next Seſſions of the Peace to be holden for the ſaid County to anſwer as aforeſaid, and farther

ther to be dealt withal according to Juſtice. Hereof you are not to fail at your perils. Dated in open Seſſions at *M.* aforeſaid the 10th day of *April*, 1693.

Rogues, Vagabonds, &c.

A Warrant for a General Search for Rogues.

To the Conſtables, &c.

D. ff. THESE are in his Majeſty's Name to charge and command you, that you together with the Petty Conſtables of the ſeveral Towns, Pariſhes and Hamlets within your Hundred taking a ſufficient Aſſiſtance out of the ſaid Towns, Pariſhes and Hamlets upon *Tueſday* at Night next coming, for the finding out and apprehending of all Rogues, Vagabonds and wandring and idle perſons in or about your ſaid ſeveral Towns, Pariſhes or Hamlets; And that ſuch as ſhall be found and apprehended, you do cauſe them to be brought before us the next day unto *A.* by eight of the Clock, there to be by us dealt withal according to the late Statute in that behalf provided. At which time and place we farther require you, together with the ſaid Petty Conſtables to appear before us, and there to give an Account and Reckoning upon your Oath in Writing, and under the Hands of the Miniſter of every ſeveral Pariſh within your Hundred, what Rogues, Vabonds wandring and diſorderly Perſons, have been there apprehended, as well in the ſame Search, as alſo ſince the laſt Aſſembly and Meeting that was made for this purpoſe being upon or about the third day of *March* laſt paſt. And hereof fail you not, &c. Given, &c.

The Juſtices of the Diviſion or the more part of them four or five days before their meeting. 7 *Jac.* 4.

Note, *The Conſtable neglecting his Duty accordingly to be fined not exceeding* 40 s.

A Warrant for apprehending and committing a dangerous Rogue.

To the Conſtable, &c. *and to the Keeper of*, &c.

Devon. ff. FOraſmuch as *J. S.* a wandring dangerous Rogue [Vagabond, idle or diſorderly Perſon] was found and apprehended at *F.* in the Hundred and County aforeſaid in a general privy Search by our Command made according to the Form of the Statute in that Caſe made and

One Juſtice may apprehend, puniſh and paſs; but

Two Justices 1 Quorum to commit a dangerous Rogue.

and provided, and brought before us this preſent day at our Aſſembly at *E.* in the County aforeſaid. We do therefore in his Majeſty's Name command you the Conſtable and Borſholders, that you, ſome or one of you, do at the Charge of the ſaid Hundred convey the ſaid *J. S.* to the aforeſaid Houſe of Correction, and there deliver him to the ſaid Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and there to ſet him to work and labour, and otherwiſe to deal with him according to Law, until he ſhall be from thence lawfully delivered. Hereof fail not at your perils. Given under our Hands and Seals at *E.* aforeſaid, the 30*th* day of *Auguſt*, 1693.

39 Eliz. 4. *1 Jac.* 1.7.

Another *Mittimus* of a dangerous Rogue.

To the Conſtable, &c. and to the Keeper, &c.

Devon. ſſ. FOraſmuch as *A. B.* an idle and diſorderly Vagabond, that will not be reformed of his Roguiſh kind of Life, is dangerous to his Majeſty's Subjects. We do therefore in his Majeſty's Name charge and command you the ſaid Conſtable and Borſholders, that you, ſome or one of you do ſafely convey the ſaid *A. B.* to the Gaol aforeſaid, and there deliver him to the ſaid Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely to keep until the next Quarter Seſſions of the Peace to be holden for the ſaid County at *E.* aforeſaid, that he may then and there be farther dealt withal according to Law. Hereof fail not at your perils. Given, &c.

39 Eliz. cap. 4. *1 Jac.* 1.7. *2 Juſtices, 1 Quorum.*

Note, The Juſtices in Seſſions may brand a dangerous Rogue with an hot Iron on the Shoulder. If he offend again, to ſuffer as Felon without Clergy.

A War-

A Warrant dormant to ſearch for and apprehend Rogues.

To the Conſtables of A. B. *and* C. *and to all other his Majeſty's Officers there or elſewhere within this whole County, and every of them whom it ſhall concern.*

Devon. ſſ. FOraſmuch as we are credibly informed, That divers ſmall Felonies, Larcenies, Pilfrays and ſuch like Offences are many times done and committed by divers lewd and evil diſpoſed perſons, and that before the Pariſhes grieved can conveniently procure a Warrant from any Juſtice of Peace to ſearch for their Goods ſo loſt, the Offenders uſually convey the ſaid Goods ſo by them ſtoln and pilfered to ſuch obſcure places and By-coreers, that oftentimes there cannot any thing be found againſt them for their Conviction, to the farther Encouragement of ſuch Offenders to continue in their evil Practices and Miſdemeanours, to the great Damage and Diſquiet of all his Majeſty's Subjects. For remedy whereof and for the taking all ſuch lewd Perſons, and bringing them to condign Puniſhment, Theſe are in his Majeſty's Name ſtrictly to charge and command you, and every of you, that all Excuſes and Delays ſet apart, at all times and ſeaſons whatſoever, when and as often as any perſon or perſons whatſoever ſhall reſort unto you with this our Precept, by vertue thereof you make diligent ſearch in the moſt ſuſpicious places within your, any or either of your Limits, Liberties or Precincts for ſuch Goods according as you ſhall have Notice from the Bringer or Bringers hereof. And if upon your ſaid Search you ſhall chance to find any of the ſame Goods, or have any vehement ſuſpicion by Circumſtance or otherwiſe of any perſon or perſons to have ſtoln the ſame, that then you forthwith bring them and every of them before us or any other his Majeſty's Juſtices of the Peace of this ſaid County to be examined touching the ſame, and to be dealt withal therein according to the Law in that Caſe provided. And hereof fail you not as you will anſwer the contrary at your, any or either of your perils, by or through whoſe neglect the Execution hereof ſhall be hindred or not executed according to the tenour hereof. This our Precept or Warrant Dormant to continue in full force one compleat year next enſuing the Date hereof, and no longer. Given, &c.

The Juſtices of the Diviſion, &c. 7 *Jac.* 4.

Another

Another Warrant for apprehending Vagrants, Rogues, Vagabonds, &c. in the County of *Middleſex*.

To the Conſtables, &c. and other his Majeſty's Officers of any of the Pariſhes in the ſaid County, and to all others whom it doth or may concern.

The Juſtices of the Diviſion, &c. 7 Jac. 4.

Midd. ſſ. FOraſmuch as that the Suburbs of *London* and places adjacent are now infected with many Rogues, Vagabonds and ſturdy Beggars, and other idle perſons of evil Life and Converſation to the Danger of the Inhabitants, and contrary to the Laws and Statutes of this Realm. Theſe are therefore in his Majeſty's Name ſtrictly to charge and command you, and every of you, that at all convenient times hereafter taking with you ſufficient Aid and Aſſiſtance you make diligent ſearch in the ſeveral places aforeſaid, and in all other ſuſpected places within any the Pariſhes in the ſaid County for all ſuch Rogues, Vagabonds and ſturdy Beggars, and other ſuſpected and idle perſons, and them to apprehend and bring before us, or one of us, to be examined and dealt with according to Law. Hereof fail not, &c. Given, &c.

A Paſs for a Vagabond, taken in a privy Search, and ſent to the place of his Birth after he has had Correction.

7 Jac. 1. cap. 4. provides for a general ſearch, but by 39 El. cap. 4. 1 Juſtice may cauſe Rogues, &c. to be apprehended, puniſhed and paſſed.

Midd. ſſ. WHereas *A. B.* a luſty idle Vagrant, aged about five and twenty years was found and apprehended at *C.* in the ſaid County in a general privy Search by our Command made, according to the form of the Statute in that Caſe made and provided, and brought before us this preſent day at our Aſſembly at *V.* and by our appointment puniſhed according to Law. He is therefore to be conveyed from Pariſh to Pariſh by the Officers of every of the ſame the next ſtreight Way to the Pariſh of *S.* where he ſaith he was born, there to put himſelf to labour (as a true Subject ought to do) and he is limited to paſs thither within ſix days now next enſuing, at his peril. Given, &c.

Note,

Note, The Statute appoints that the Offender ſhall be ſtripped naked from the Middle upwards, and be openly whipt, until his Body be bloody, &c. 39 *Eliz.* 4. The Paſs muſt be ſigned by the Juſtice, Miniſter and Conſtable, &c. where he was whipt, or any two of them. And the Miniſter is to regiſter the Teſtimonial or Paſs upon the penalty of 5 *s.*

A Paſs by one Juſtice to the Place of Birth.

D. ff. J. S. a Vagrant of middle Stature aged about twenty years was this preſent day taken begging and miſordering himſelf, &c. at *R.* in the ſaid County, and then and there by my appointment puniſhed according to the form of the Statute in that Caſe provided, and he is to be conveyed from Pariſh to Pariſh, &c. [as before to the place of his Birth.] 39 *El. c.* 4.

Note, If the Offender exceed the time limited by the Paſs, he ſhall from time to time receive the like puniſhment.

Another, where the place of Birth is not known, to the place of laſt abode.

J. S. &c. [as before provided] And for that the Pariſh where he was born is not known, though it be demanded of him. And for that alſo he did laſt dwell before the ſaid puniſhment by the ſpace of one whole year in the Pariſh of *G.* (as he confeſſeth,) He is therefore to be conveyed from Pariſh to Pariſh by the Officers of every of the ſame the next ſtreight Way to the ſaid Pariſh of *G.* there to put himſelf to Labour, as he ought to do, and he is limited, &c. 39 *El. c.* 4. *One whole year.*

Another where neither Place of Birth nor laſt Abode is known.

D. ff. J. S. &c. [as before provided] And for that neither the Pariſh where he was born, nor the Pariſh where he did laſt dwell before the ſaid puniſhment by the ſpace of one whole year, is known, though both were by me demanded of him. He is therefore to be conveyed from Pariſh to Pariſh by the Officers of every of the ſame the next ſtreight Way for the Pariſh of *E.* in this County, through which he laſt paſſed without puniſhment, as he ſaith.

faith, and he is to be from thence conveyed by the Officers of the ſaid Pariſh, according to the Form of the Statute in that Caſe made and provided; and is limited to paſs thither within four days next enſuing at his peril. Given, &c.

Note, Such as ſhall not apprehend Rogues and ſturdy Beggars begging at their Doors, and carry them to the next Conſtable or Tything-man, forfeit 10 *s.*

A Warrant to levy 10 *s.* on ſuch as neglect to apprehend Vagabonds, ſturdy Beggars.

To the Conſtable, &c.

39 *Eliz. cap.* 4. 1 *Jac.* 1. 7. 2 *Juſtices*, 1 *Quorum*. 2 *Witneſſes*

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That on the 30*th* day of this inſtant *Auguſt*, an unknown wandring ſturdy Beggar-man was begging at the Houſe Door of *J. S.* an Inhabitant in your Pariſh of *T.* and that the ſaid *J. S.* did then neglect to apprehend the ſaid Beggar and carry him to the next Conſtable, but ſuffered him to go away unapprehended, though he might have eaſily taken him, as by the Statute in that Caſe provided he ought to have done, whereby he hath forfeited to the uſe of the Poor of the ſaid Pariſh of *T.* the Sum of 10 *s.* Theſe are therefore in his Majeſty's Name to will and require you to levy the ſame 10 *s.* by Diſtreſs and Sale of the Goods of the ſaid *J. S.* rendring to him the Overplus if any ſuch ſhall remain. Given, &c.

Note, If the Conſtable, do not cauſe the ſaid ſturdy Beggars, &c. to be puniſhed and paſſed, he forfeits 20 *s.* for every default.

A Warrant to levy 20 *s.* on the Conſtable for not puniſhing a Rogue, *&c.*

To the High-Conſtable, &c.

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That *A. V.* the Conſtable of *W.* hath been negligent in his Office in the correcting and conveying of Rogues, Vagrants and ſturdy Beggars; and that upon the 30*th* day of *Auguſt* laſt paſt one *J. S.* a Vagabond and ſturdy Beggar was taken begging in *W.* aforeſaid, and brought and

and offered to him the ſaid *A. V.* to be puniſhed, who did not correct and paſs him as by the Statute in that Caſe made he ought to have done, but willingly ſuffered him to eſcape unpuniſhed, whereby he hath forfeited 20 *s.* to the uſe of the Poor of the ſaid Pariſh of *W.* Theſe are therefore in his Majeſty's Name to will and require you to levy the ſame by Diſtreſs and Sale of the Goods of the ſaid *A. V.* rendring to him the Overplus, if any ſuch be. Given under, &c.

A Warrant to levy 5 *s.* on the Miniſter for not keeping a Regiſter Book.

To the Conſtables, &c. of G.

Devon. ſſ. FOraſmuch as it being duly proved before us, That *J. B.* the Miniſter of your Pariſh of *G.* doth not keep a Regiſter-Book there according to the form of the Statute in that Caſe provided, to record the Correction and Paſs of Rogues, by which he hath forfeited 5 *s.* to the uſe of the Poor. Theſe are therefore in his his Majeſty's Name to require you to levy the ſame 5 *s.* of the Goods of the ſaid *J. B.* by Diſtreſs and Sale thereof, and to pay the ſame ſo by you levyed to the Overſeers of the Poor of your Pariſh to be employed to the uſe of the Poor of your Pariſh there. 39 *Eliz. cap.* 4. 2 *Juſtices.*

Note, Such as diſturb or hinder the Execution of this Act ſhall forfeit 5 *l.* and be bound to the Good Behaviour.

A Warrant to levy 5 *l.* for diſturbing the Execution of the Statute.

To the, &c.

Devon. ſſ. FOraſmuch as it hath been duly proved before us, That *J. S.* of *R.* Yeoman, did diſturb and hinder the puniſhing and conveying of *A. B.* a Vagabond and ſturdy Beggar taken into Cuſtody by *C. D.* of *E.* Borſholder, ſo that he did eſcape without the puniſhment as by the Statute in that Caſe is provided, by the which he the ſaid *J. S.* hath forfeited 5 *l.* to the uſe of the Poor. Theſe are therefore in his Majeſty's Name to will and require you to levy the ſame 5 *l.* by Sale of the Goods and Chattels of the ſaid *J. S.* rendring to him the Overplus, if any be; and that you 29 *Eliz. cap.* 4. 1 *Jac.* 1. 7. 2 *Juſtices*, 1 *Quorum.* 2 *Witneſſes*

you require him the ſaid *J. S.* to bring Sureties for his Good Behaviour. Given, &c.

Note, The Statute of 13 & 14 *Car.* 2. *cap.* 12. gave Liberty to a Juſtice to reward ſuch perſons as apprehended Rogues, &c. and brought them before him by Warrant to the Conſtable, &c. of the place through which the Rogue did paſs unapprehended, ordering him to give ſuch perſon 2 *s.* on pain of being proceeded againſt according to the Statutes of 39 *Eliz.* and 1 *Jac.* 7. alſo to ſuch perſons as apprehended Vagabonds, &c. at the Confines of a County which paſſed through any Pariſh in another County unapprehended, the Juſtice of that County through which they paſſed unapprehended might make Certificate thereof and grant Warrant to the Conſtables to pay ſuch perſon or perſons as apprehended him or them 10 *s.* which the Conſtable had forfeited by 39 *Eliz.* This Statute of 13 & 14 *Car.* 2. *cap.* 12. (except what concerned the Corporations of Workhouſes within the Weekly Bills of Mortality) was but to continue the next Seſſion. Yet 19 *May.* 1 *Jac.* 2. It was revived for ſeven years, and to the end of the next Seſſion. *Quære*, If it be in force.

Waggons and Carts.

A Warrant to levy 40 *s.* for travelling with a Waggon or Cart with ſix Horſes at length.

To the Conſtables, &c. *of the Pariſh of* L.

22 *Car.* 2. *cap.* 12. 1 *Juſtice, on View, or* 1 *Witneſs on Oath.*

Devon. ſſ. WHereas *J. S.* of the Pariſh of, &c. in the County of, &c. Yeoman, hath this preſent firſt day of *September* made Oath before me, one of his Majeſty's Juſtices of the Peace for the County aforeſaid, that *A. B.* of, &c. did upon the 30th day of *Auguſt* laſt travel with his Waggon, [Wain, Cart or Carriage] through the ſaid Pariſh of *L.* in this County drawn with ſix Horſes at length contrary to the Statute in that Caſe made and provided for which Offence he hath forfeited the Sum of 40 *s.* Theſe are therefore to authorize and in his Majeſty's Name to charge and command you and every of you forthwith to levy the ſaid Sum of 40 *s.* upon the Goods and Chattels of the ſaid *A. B.* rendring to him the Overplus, if any be, reaſonable

reaſonables Charges of diſtraining firſt deducted; and the ſame Monies ſo by you levyed, you are to diſpoſe as followeth, that is to ſay, one third part to the Surveyors of the High-ways within your ſaid Pariſh, to be employed in the Repairs of the ſaid High-ways; one other third part you are to pay the Overſeers of the Poor within your ſaid Pariſh to be to the uſe of the Poor there; and the other third part you are to pay to the ſaid *J. S.* for diſcovering the ſame. Hereof fail not. Given, &c.

13 *s.* 4 *d.*
13 *s.* 4 *d.*
13 *s.* 4 *d.*

Watch and Ward.

A Warrant for Watch and Ward.

To the High-Conſtable of the Hundred of D. *and the Petty Conſtables, &c. within the ſaid Hundred.*

Devon. ff. FOraſmuch as Information hath been given unto us, That many ſuſpicious idle Perſons do wander about the Country without Controlement or queſtion, whereby many Robberies and Miſdemeanours have been occaſioned; therefore to prevent the ſame for the future, theſe are in his Majeſty's Name to charge and command you, and every of you to look to your Duty herein, and to ſee that you keep and cauſe Watches to be duly kept in all the Pariſhes and places within your ſaid Hundred of *D.* by able and well armed Men every Night, and ward by Day from Sun to Sun, for the apprehending of all Rogues, Vagabonds, ſturdy Beggars, and other wandring and idle ſuſpicious perſons, and to bring them before us, or ſome other of his Majeſty's Juſtices of the ſaid County to be examined and dealt with according to Law. And all perſons whatſoever are hereby commanded to be aiding, aſſiſting and obedient to you herein. Hereof fail not, &c. Given, &c.

Watch and Ward to be kept in every Town from Michaelmas *to* Aſcention-*day*, 13 Ed. 1. cap. 4. 5 Ed. 3. cap. 14. 2 *Juſtices.*

A *Mittimus* of one taken by the Watch.

To the Keeper of the Houſe of Correction of S. *&c.*

5 *Ed.* 3. cap. 14. *Devon. ſſ.* FOraſmuch as *R. D.* was this preſent day brought before me by *A. B.* Conſtable of the Town of *S.* being by his Watch this laſt Night apprehended and charged with wandring and roguing abroad, and other lewd and diſorderly Behaviour and Courſe of Life contrary to the Laws in ſuch behalf provided. Theſe are therefore in his Majeſty's Name to will and require you to receive and take into your Cuſtody the ſaid *R. D.* and him ſafely keep until he ſhall be thence delivered by due Order of Law. [And in the mean time to hold him the ſaid *R. D.* to ſuch Labour and Work, and give unto him ſuch Puniſhment and Maintenance as by the Laws are required; and that you have the ſaid *R. D.* at the next Quarter Seſſions to be holden at *E.* together with this Warrant.] Given, &c.

Weights and Meaſures.

11 *H.* 7. 4. 12 *H.* 7. 6. TWO Juſtices one of the *Quorum* have Authority as well by Examination as Enquiry to hear and determine the default of the Head-Officers in Cities, Boroughs and Market-Towns that do not twice yearly view and examine Weights and Meaſures, and cauſe the defective to be broken and burnt. As alſo of all Buyers and Sellers, which do not buy and ſell with lawful Weights and Meaſures, may deſtroy the defective, and ſet Fines and Amerciaments upon the Offenders according to their diſcretion, and make Proceſs againſt them, as if they were indicted of Treſpaſs againſt the Peace, &c.

Wood.

Wood.

A Warrant to ſearch for ſtollen Wood.

To the Conſtables and Borſholders, &c.

D. ff. FOraſmuch as complaint hath been made unto me by *R. G.* of, &c. That Wood [or Underwood, Poles, young Trees, Bark or Baſt of Trees, Gates, Stiles, Poſts, Pales, Rales, Hedgewood, Broom or Furze] was within four days laſt paſt taken out of his Lands in *S.* in the ſaid County, and hath prayed my Relief therein according as by the Statutes (in ſuch caſe) is provided. Theſe are therefore in his Majeſty's Name to will and command you, and every of you, that you, ſome or one of you do enter into and ſearch the Houſes, Out-houſes, Yards, Gardens or other Places belonging to the Houſes within the ſaid Hundred, of all and every Perſon or Perſons which you ſhall ſuſpect to have any of the ſaid Wood, (&c.) And whereſoever you ſhall find any ſuch, to apprehend or cauſe to be apprehended all and every Perſon and Perſons ſuſpected for the cutting and taking of the ſame, and them and every of them, as alſo thoſe in whoſe Houſes or Places belonging to them any ſuch Wood (&c.) ſhall be found, to bring before me or ſome other of his his Majeſty's Juſtices of the Peace of the ſaid County to be proceeded againſt as by the Law is directed. Hereof fail not at your perils. Given, &c. 15 *Car.* 2. *cap.* 2. 1 *Juſtice.*

A Warrant againſt one for ſtealing Wood.

To the Conſtables, &c.

D. ff. FOraſmuch as it appeareth unto me by the Oath of *A. B.* of your Town of *C.* that *C. D.* of the ſame hath lately unlawfully cut down certain Sticks of Wood within your ſaid Pariſh belonging to *F. G.* of your ſaid Town, Yeoman, contrary to the form of the Statute in that caſe made and provided; and whereas it alſo appeareth unto me upon Oath, that the ſaid Sticks of Wood were worth to be ſold 7 *s.* 6 *d.* Theſe are therefore in his Majeſty's Name ſtraitly to charge and command you, and every of you, that in caſe the ſaid *C. D.* do not forth- 15 *Car.* 2. *cap.* 2. 1 *Witneſs upon Oath or Confeſſion of the Party.*

with pay unto the said *F. G.* the said Sum of 7 *s.* 6 *d.* that then you do immediately cause the said *A. B.* to be publickly whipped about the said Town of *C.* Hereof fail not at your perils. Given, &c.

An Order against a Person apprehended with Bundles, &c. of Wood, &c.

15 *Car.* 2. *cap.* 2. FOrasmuch as *J. S.* of *T.* was within four days last past apprehended by *A. B.* Beadle of the same Town of *T.* having a Bundle of * Underwood, and this day brought before me to give an account how he came by the same, with the consent of the Owner, according to an Act of Parliament lately made, intituled, *An Act for the punishment of the unlawful cutting or stealing, spoiling of Wood and Underwood, and destroying of young Timber Trees*, and for that he did not give such account thereof as did satisfie me, nor produce the Party of whom he bought the same, or any other credible Witness to depose upon Oath such sale thereof, whereby he is according to the said Act by me deemed and adjudged as convict of the Offence of cutting and spoiling of the said Underwood, within the meaning of another Act of Parliament made in the 43 year of the Reign of Queen *Eliz.* intituled, *An Act to avoid and prevent Misdemeanors in idle and lewd Persons.* And forasmuch as it appeareth unto me, That *C. D.* of, (&c.) was lawful Owner of the said Underwood; I do therefore according to the meaning of the said Acts, order and appoint, That the said *J. S.* shall within ten days now next ensuing give the said *C. D.* the Sum of * 6 *s.* 8 *d.* of lawful Mony of *England* for recompence and satisfaction for his Damages, and that the said *J. S.* shall over and above pay down presently unto the Overseers for the use of the Poor of the Parish of *T.* in the said County where the said Offence was committed, * 5 *s.* of lawful Mony. Given under my Hand and Seal, &c.

Wood, Underwood Poles young Trees, &c. as before.

43 *Eliz.* 7.

* *Such Sum as the Justices shall set down.*

* *Any Sum not exceeding* 10 *s.*

And in case the Party offending be not able to pay it, or do it not according to order, to be committed to the Constable to be whipt, and for every Offence afterwards, and proved as aforesaid, to have the like punishment of whipping, 43 *Eliz.* 7.

But by 15 *Car.* 2. *c.* 2. being an additional Act to the former, for the first Offence he is liable to the punishment of

43 *Eliz.*

43 *Eliz.* and to pay any Sum not exceeding 10 *s.* to the Poor, &c. and if the Offender ſhall not perform the Juſtices Order herein, then the Juſtice may commit him to the Houſe of Correction, not exceeding one month, or to the Conſtable, &c. to be whipt.

For the ſecond Offence to be ſent to the Houſe of Correction for one month, and there to be held to hard Labour.

For the third Offence to be deemed as an incorrigible Rogue. The Buyers of ſtollen Wood of Perſons juſtly ſuſpected, to pay treble the value to the Owner, and in default to iſſue a Warrant for diſtreſs and ſale, and for want of diſtreſs to commit him to the Gaol for one month at his own Charges, 15 *Car.* 2. *cap.* 2.

A *Mittimus* for not obeying the Juſtices Order.

To the Conſtable, &c. *and to the Keeper of the Houſe of Correction,* &c.

WHereas *J. S.* within ſix days laſt paſt was apprehended, [&c. reciting the former Proceedings, and order of payment to the Owner and Poor] And foraſmuch as the ſaid *J. S.* did not according to the ſaid Order and Appointment give or pay the Monies aforeſaid. Theſe are therefore to authorize, and in his Majeſty's Name to charge and command you forthwith to convey the ſaid *J. S.* to the aforeſaid Houſe of Correction, and him there to deliver to the Keeper of the ſame (together with this Precept) commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and him there to detain by the ſpace of twenty * days next after ſuch receipt of him. Hereof fail not at your perils. Given, &c.

15 *Car.* 2. *cap.* 2. 1 *Juſtice.*

* *Any time not exceeding a month.*

A *Mittimus* for the ſecond Offence.

D. Jſ. WHereas, &c. (as before to) *An Act to avoid and prevent divers Miſdemeanors in idle and lewd Perſons*; And foraſmuch as the ſaid *J. S.* was once before convict of the ſaid Offence, and was thereof convicted, as before. Theſe are therefore in his Majeſty's Name to charge and command you, the ſaid Conſtable and Burſholders to convey the ſaid *J. S.* to the aforeſaid Houſe of Correction, and there deliver him to the Keeper of the ſame, (together with this Precept) commanding alſo you the ſaid Keeper to receive him into the ſaid Houſe, and there keep him one month to hard Labour. Hereof fail not at your perils. Given, &c.

For the third Offence to be deemed as an incorrigible Rogue.

An Order againſt the Buyer of ſtollen Wood, &c.

To the Conſtable, &c.

15 *Car.* 2. *c.* 2. 1 *Juſtice.* D. *ſſ.* FOraſmuch as upon examination by me this day, according to an Act of Parliament lately made, intituled, *An Act for the puniſhment of unlawful cutting or ſtealing, or ſpoiling of Wood and Underwood, and Deſtroyers of young Timber Trees.* It appeared unto me, that *J. S.* of, &c. did within ten days laſt paſt buy a Burthen of Poles * of Wood of *A. B.* being a Perſon juſtly ſuſpected to have unlawfully come by the ſame, and that the ſame was unlawfully come by and unlawfully taken from *C. D.* of, &c. and was of the value of, &c. of lawful Money of *England*; I do therefore according to the ſaid Act award, That the ſaid *J. S.* ſhall pay to the ſaid *C. D.* 15 *s.* of lawful Mony of *England*, being the treble value of the ſaid burthen of Poles ſo bought as aforeſaid. Given under my Hand and Seal, &c.

* *Or Burthens of Wood, Underwood, young Trees* &c. *as before noted.*

A Warrant to diſtrain for not paying according to the Order.

To the Conſtable, &c.

15 *Car.* 2. *c.* 2. 1 *Juſtice.* D. *ſſ.* WHereas upon examination by me lately taken according to an Act of Parliament lately made, intitulted (&c. as before,) it appeared unto me, that *J. S.* did within ten days then laſt paſt buy a burthen of Poles of Wood of *A. B.* being a Perſon juſtly ſuſpected to have unlawfully come by, and unlawfully taken from *C. D.* of, &c. and was of the value of, &c. of lawful Mony of *England*; I did therefore, according to the ſaid Act, award that the ſaid *J. S.* ſhould pay the ſaid 15 *s.* of lawful Mony of *England*, being the treble value of the ſaid burthen of Poles ſo bought as aforeſaid; And foraſmuch as the ſaid *J. S.* hath not paid to the ſaid *C. D.* the aforeſaid 15 *s.* according to my ſaid award, Theſe are therefore in his Majeſty's Name to charge and command you to levy the ſaid 15 *s.* by diſtreſs and ſale of the Goods of the ſaid *J. S.* rendring to him the overplus (if any be) and after you

you have ſo levied the ſaid 15 *s.* forthwith to pay the ſame unto the ſaid *C.D.* Hereof fail not at your perils. Given, &c.

A *Mittimus* for want of Diſtreſs.

To the Conſtable, &c. *and to the Keeper*, &c.

D. ff. WHereas upon examination, (&c. reciting as before *uſq;*) and after you had levied the ſame, forthwith to pay the ſame unto the ſaid *C. D.* And foraſmuch as you the ſaid Conſtable have return'd unto me, that in default of ſuch diſtreſs you cannot levy the ſaid Sum of 15 *s.* Theſe are therefore in his Majeſty's Name to charge and command you the ſaid Conſtable and Burſhoulders, and every of you to attach the ſaid *J. S.* and him ſafely convey to his Majeſty's Gaol aforeſaid, at his own charge, and there deliver him to the Keeper of the ſame, together with this Precept, commanding alſo you the ſaid Keeper to receive him into the ſaid Gaol, and him there ſafely keep one month without Bail. Hereof fail not at your perils. Given, &c. 15 *Car.* 2. 2 1 *Juſtice.*

Woollen.

AFfidavit to be made eight days after the Burial; See the printed *Affidavit*, to be witneſſed by two Perſons preſent at the ſwearing. 30 *Car.* 2. 3

See the printed *Certificates* of the Juſtice, and of the Miniſter, for Burying, or for neglect of Burying in Woollen. 32 *Car.* 2. 1

A Warrant from a Juſtice for levying 5 *l.* for not burying in Woollen.

To the Conſtables, Church-wardens and Overſeers of the Poor of, &c.

D. ff. FOraſmuch as I have the day of the date hereof received a Certificate dated the day of laſt paſt, under the Hand of *J. R.* Miniſter of the Pariſh of *T.* That one *A. B.* of the ſaid Pariſh, Gent. 30 *Car.* 2. 3

If a Servant, then to be levyed on the Goods of the Maſter or Miſtris; if a Son or Daughter dying in the Family, then of the Goods of the Father or Mother.

was buried there the day of the ſaid month of and that he had received no Affidavit of his being buried in no other Material but Sheeps Wool only, according to an Act of Parliament lately made for that purpoſe. Theſe are therefore in his Majeſty's Name to authorize and command you, and either of you forthwith to levy the Sum of 5 *l* of lawful Mony of *England* by way of diſtreſs and ſale of the Goods and Chattels of the Party deceaſed, rendring the overplus which ſhall remain upon ſuch ſale as aforeſaid, unto ſuch Perſon and Perſons to whom the ſaid Goods ſhall belong. And hereof fail not, &c. Given, &c.

The Forfeiture is to be divided thus: One moiety to the uſe of the Poor of the Pariſh where the Party is buried, the other Moiety to him that will ſue for the ſame.

The Juſtice for not granting ſuch Warrant forfeits 5 *l.*

A

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Orders to be obſerved by Commiſſioners impowered by Act of Parliament, for taking Special Bails in the Country, upon Actions and Suits depending, or to be depending in their Majeſties Court of Kings-Bench.

Firſt, It is ordered, That the Bail-piece ſhall be fairly drawn and ingroſſed in Parchment, in this form following, *viz.*

A.B. *Attorn. pro Def.*	Midd. ſſ.	*Johannes Doe de Iſlington in Com. præd. gen. tradit. in Ball. ſuper Cepi Corpus.*
		Johanni Denn de Hackney in Com. præd. gen.
Capt. & cognit. die 1692. coram *A. B.* Un. Commiſſiar. *&c.*		*Rich. Fenn de Highgate in Com. præd. gen. ad ſectam.*
		Richardi Roe.

And in taking of the Recognizance theſe words muſt be uſed, *(viz.) You* (calling the Bail by their Names) *do jointly and ſeverally undertake, that if the Defendant*, (naming his Name) *ſhall be condemned in this Action at the Suit of the Plaintiff* (naming his Name) *he ſhall ſatisfie the Coſts and Condemnation, or render himſelf into the Cuſtody of the Marſhal of the* Marſhalſea *of the Court of* Kings-Bench, *or you ſhall pay the Coſts and Condemnation for him.*

And if any Bail be given upon any Action or Actions removed out of any Inferiour Court by Writ of *Habeas Corpus*, and returnable in the Court of *Kings Bench*, then inſtead of writing *ſuper cepi Corpus*, as above, you muſt write *ſuper Breve de Habeas Corpus*, and inſtead of writing the Plaintiffs Name as aforeſaid, you muſt write *ad ſectam Quer. in Querel.* And the Cognizors muſt undertake, that if the Defendant be condemned at the Suit of the Plaintiff or Plaintiffs in the Plaint, that he ſhall ſatisfie the Coſts and Condemnation, or render his Body, *&c.* as aforeſaid.

Secondly, It is ordered, That the Affidavit for the due taking of every ſuch Bail ſhall be made either before ſome Judge of the *Kings-Bench*, to whom the Bail ſhall be tranſmitted, or before ſome Perſon who ſhall have power to take Affidavits in Matters and Cauſes depending in the ſaid Court.

Thirdly, It is ordered, That all Bails taken by any Commiſſioner within the diſtance of forty Miles from the Cities of *London* and *Weſtminſter*, ſhall be tranſmitted to the Lord Chief Juſtice of the Court of *Kings Bench*, or to one of the Juſtices of the ſaid Court, within eight days after the taking thereof; and all Bails taken by any Commiſſioner above the diſtance of forty Miles from the ſaid Cities of *London* and *Weſtminſter*, ſhall be tranſmitted within fifteen days after the taking thereof, unleſs all the ſaid Juſtices ſhall be in their Circuits, and then as ſoon as any one of them ſhall be returned to his Chamber in one of the *Serjeants-Inns*.

Fourthly,

Fourthly, Alſo every Commiſſioner is to have a Book kept purpoſely for entring exactly the Names of the Defendant and his Bail; and of the Plaintiff, as it is in the Bail-Piece, and the time of the taking thereof, and the Name of him by whom ſuch Bail ſhall be tranſmitted; and alſo the Name of the Attorny for the Defendant.

Fifthly, It is farther ordered, That the Plaintiffs Attorny ſhall be at liberty to repair to the Commiſſioners Book for the Names of the Bail, to the end that they may enquire of the ſufficiency of them; and if they are found inſufficient, they may except againſt them within twenty days after the ſaid Bail is tranſmitted, and notice to the Plaintiff or his Attorny, of the taking thereof; and in that caſe the Defendant muſt either put in better Bail, or the Cognizors of ſuch Bails muſt juſtifie themſelves in open Court, either by Affidavit taken before ſuch Commiſſioner that took the ſaid Bail, or by Oath made in Court, or before one of the Judges of the ſaid Court,

J. Holt,
W. Dolben,
G. Eyre.

Orders to be obſerved by Commiſſioners impowered by Commiſſion, in purſuance of an Act of Parliament for taking Special Bails in the Country upon Actions and Suits depending, or to be depending in their Majeſties Court of Common-Pleas *at* Weſtminſter.

Firſt, It is ordered, That before any Bail be taken by virtue of the ſaid Act, a true Copy of the Writ on Parchment to which the Defendant is to put in Bail, ſhall be brought to the Commiſſioner before whom ſuch Bail is to be taken; and thereupon the Recognizance or Bail-piece ſhall be fairly drawn and engroſs'd on the ſaid Parchment Copy, in this or the like form as the Caſe ſhall be, *viz.*

A. B. Attorn. pro Defend.

Manucaptores Johannes Denn de Blackharneſley in Paroch. de Settle in Com. Ebor. Gen. & Rich. Fenn de ead. Gen.

Capt. & cognit. decimo die Martii Anno Dom. 1692. *de bene eſſe coram me* A. B. *un. Commiſſionar.*

Pars ipſa in xx *l.*
Uterq; M. *in* x *l.*

If the Defendant be not preſent, then the Bail are uſually bound in double the Sum in the Writ, otherwiſe only ſingle.

The

The Condition of which ſaid Recognizance ſhall be to this effect, *viz.*

You (naming the Defendant if preſent) *do acknowledge to owe unto the Plaintiff* xx l. *and you* (naming the Bail) *do ſeverally acknowledge to owe unto the ſame Perſon the Sum of* x l. *a-piece, to be levied upon your ſeveral Goods and Chattels, Lands and Tenements, upon Condition, that if the Defendant be condemned in the ſaid Action, he ſhall pay the Condemnation, or render himſelf a Priſoner to the Fleet for the ſame; and if he fail ſo to do, you* (naming the Bail) *do undertake to do it for him.*

Secondly, It is ordered, that the Affidavit of the due taking of every ſuch Bail ſhall be made either before ſome Judge of the *Common-Pleas*, to whom the Bail ſhall be tranſmitted; or before ſome Perſon who ſhall have power to take Affidavits in Matters and Cauſes depending in the ſaid Court.

Thirdly, It is ordered, That all Bails taken by any Commiſſioner within the diſtance of forty Miles from the Cities of *London* and *Weſtminſter*, ſhall be tranſmitted to the Lord Chief Juſtice of the Court of the *Common-Pleas*, or to one of the Juſtices of the ſaid Court within ten days after the taking thereof; and all Bails taken by any Commiſſioner above the diſtance of forty Miles from the ſaid Cities of *London* and *Weſtminſter* ſhall be tranſmitted within twenty days after the taking thereof, unleſs all the ſaid Juſtices ſhall be in their Circuits, and then as ſoon as any one of them ſhall be returned to *London* out of his Circuit.

Fourthly, Alſo every Commiſſioner is to have a Book kept purpoſely for entring exactly the Names of the Defendant and his Bail, and of the Plaintiff, as it is in the Bail-piece, and the time of the taking thereof, and the Name of him by whom ſuch Bail ſhall be tranſmitted.

Fifthly, It is farther ordered, That the Plaintiffs Attorny ſhall be at liberty to repair to the Commiſſioners Book for the Names of the Bail, to the end that they enquire of the ſufficiency of them, and if they are found inſufficient, they may except againſt them within twenty days after the ſaid Bail is tranſmitted, and notice to the Plaintiff or his Attorny of the taking thereof: And in that caſe the Defendant muſt either put in better Bail, or the Cognizors of ſuch Bail, muſt juſtifie themſelves in open Court, either by Affidavit taken before ſuch Commiſſioner that took the ſaid Bail, or by Oath made in Court, or before one of the Judges of the ſaid Court.

Geo. Treby,
Edw. Nevil,
John Powel,
Tho. Rokebey.

FINIS.

Ex. J. M.